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THE IOWA JOURNAL OF HISTORY
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THE
IOWA JOURNAL
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HISTORY AND POLITICS

EDITOR
BENJAMIN F. SHAMBAUGH

VOLUME XXIV
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THE POPULIST MOVEMENT IN IOWA

The Populist movement in Iowa, though it furnished a national leader in the person of James B. Weaver, never attained the strength of its forerunner, the Granger movement. In 1873 Iowa was by far the leading State in the number of granges; it was also the first State "in which grange co-operation achieved a marked success". Moreover, the Granger railroad legislation enacted in Iowa in 1874 has been pointed to as "perhaps the best example of an attempt to establish a fixed schedule of maximum rates" and as remaining unrepealed longer than similar acts of any other State.¹ That Iowa manifested less direct response to the Populist movement than it had to the Granger movement was due to developments in agricultural and economic activities as well as in social politics.² It was for Iowa a period of growth, showing both dissatisfaction and inherent soundness.

Iowa in the eighties was getting away from pioneer conditions. A writer in the *Political Science Quarterly* in 1889 classed it as a border State between the old and the new West, placing the eastern section in the old and the western section in the new.³ By the end of the decade all points in

¹ Buck's *The Granger Movement*, pp. 171, 243, and table following p. 58. A more extensive survey of the Granger activities in Iowa is given in Anderson's *The Granger Movement in the Middle West with Special Reference to Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXII, pp. 3-51.

² Buck's *The Agrarian Crusade*, p. 150, and Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 304, broadly associate the limitations of the Populist movement in Iowa with the westward shifting, beyond the borders of this State, of the belt of unrest.

³ Mappin's *Farm Mortgages and the Small Farmer* in the *Political Science Quarterly*, Vol. IV, p. 436.

the State were within fifteen miles of a railway.⁴ Homestead entries were becoming negligible as compared with those in Kansas and Minnesota, and a high proportion of the farm acreage was being improved — exceeding eighty-three per cent in 1890.⁵ During the years 1880 to 1890 the population of Iowa increased 17.68 per cent, less than half the percentage of increase for the previous decade and only a fraction of the rate of increase noted in Kansas, Nebraska, and Minnesota. The important gains were being made by the western and northwestern counties. Woodbury on the western border increased from 14,996 to 55,632 during this decade while Lyon, the northwest corner county, increased from 1968 to 8680. On the other hand, twenty-seven counties lying in or near the southeastern half of the State showed a decrease in population for the period. In the percentage of area showing decrease in rural population Iowa led all the trans-Mississippi States except Nevada.⁶ Train loads of homeseekers were coming into Iowa, while at the same time there was emigration to Kansas, Colorado, Nebraska, the Dakotas, Wyoming, and California.⁷

ELEMENTS OF DISCONTENT

Iowa in the eighties was experiencing an agricultural transformation. There had been a great expansion between 1860 and 1880 with emphasis on a few leading grains, in spite of warnings and exhortations that crops should be

⁴ *The Iowa Homestead* (Des Moines), January 23, 1891, quoting a State Railroad Commissioner.

⁵ *Statistical Abstract of the United States*, 1891, p. 242; *Abstract of the Eleventh Census of the United States: 1890*, p. 95.

⁶ See *Eleventh Census of the United States* (Population), 1890, for these population statistics. The total population of Iowa in 1890 was 1,911,896, of which 14.08 per cent was in cities of more than 8000 inhabitants.

⁷ *Iowa Agricultural Report*, 1892, pp. 16, 17; *The Iowa Homestead* (Des Moines), April 15, 1892; *The Saturday Evening Post* (Burlington), August 23, 1890.

diversified. During this period Iowa's production of corn and wheat almost doubled.⁸ In the decade following 1880, however, competition was keenly felt from regions west of Iowa and American food products were finding more competition in the European markets. The wheat production in the State declined by nearly three-fourths, with a still greater reduction in acreage.⁹ Between 1880 and 1890, hundreds of thousands of wheat acres and new acres in Iowa were devoted to hay, as cattle herding gave way to cattle feeding.¹⁰ Northeast Iowa was shifting from wheat to dairying, and wheat in the southeastern section was giving way to the production of pork, beef, and horses, while the new northwestern section was still largely restricted to grain.¹¹ The hog was following corn in the westward movement, and Iowa was taking the lead in the production of both.¹² In the same ten-year period, the value of the farm lands, fences, and buildings in the State was more than doubled, approaching a billion dollars, while the value of farm machinery reached \$136,665,315, an amount surpassed only by that of New York and Pennsylvania.¹³

Indeed, farming in Iowa was becoming more and more a matter of capital, business, and scientific methods. Some farmers were changing with the system and reaping rewards. Those who did not or could not change were to

⁸ Ruggles's *The Economic Basis of the Greenback Movement in Iowa and Wisconsin* in the *Proceedings of the Mississippi Valley Historical Association*, Vol. VI, p. 143.

⁹ *Abstract of the Eleventh Census of the United States: 1890*, pp. 118, 119.

¹⁰ *Country Gentleman* quoted by *The Iowa Homestead* (Des Moines), June 1, 1894; manuscript on the history of the live stock industry in Iowa, by Professor J. A. Hopkins, of Iowa State College.

¹¹ Historical statement by James Wilson in the "Farm and Stockyard" department of the *Fort Dodge Messenger* (Weekly), December 21, 1893.

¹² *Abstract of the Eleventh Census of the United States: 1890*, pp. 105, 118, 119.

¹³ *Abstract of the Eleventh Census of the United States: 1890*, pp. 99-101.

suffer. Many farmers were also suffering because they were constantly shifting their emphasis from one form of live stock to another as price fluctuations might favor cattle, horses, sheep, or hogs in turn. Moreover agricultural products were "increasing faster than population",¹⁴ and it was not easy to escape the economic consequences of this condition.

There was not only an increase in the production and marketing of grain and animals by the West and the world in general but additional competition from commercial science. The development of substitutes for lard was reflected in the hog market and dairying came into conflict with the oleomargarine industry.¹⁵ Yet Iowa farm lands, generally free from drouth, were increasing in value.¹⁶ Ex-Governor Larrabee was reported in 1895 as refusing several times the price he had paid in the eighties for a few thousand acres in the new part of the State.¹⁷ Some lands were held by owners outside the State, and there was no little friction over land titles between settlers of western Iowa and railroads which had received land grants.¹⁸

¹⁴ *The Iowa Homestead* (Des Moines), August 22, 1890; *Fort Dodge Messenger* (Weekly), May 18, 1893; *Iowa State Register* (Des Moines), June 15, 1890, quoting the *Sac City Sun*.

¹⁵ Note the claim that the "advent of bogus butter cut the value of dairy stock right in two by the middle."—*Annual Report of the Board of Railroad Commissioners of Iowa*, 1886, p. 53.

¹⁶ See *Iowa Agricultural Report*, 1892, pp. 16–19, for examples and observations showing a rapid increase in farm land values. James Wilson here notes that "Iowa lands are steadily going up" because of profitable production and declining interest rates, with competition on the part both of farmers and investors. Herbert Quick in *The Hawkeye*, p. 22, mentions land values in Iowa in the early nineties as being at "ridiculous heights of from forty dollars to sixty dollars an acre, which young men can not pay."

¹⁷ *Fort Dodge Messenger* (Semi-weekly), February 5, 1895.

¹⁸ *Des Moines Leader*, October 8, 1887; *Iowa Tribune* (Des Moines), August 3, October 19, 1887, January 4, 1888; *Fort Dodge Messenger* (Semi-weekly), February 7, 1896.

Two important concomitants of this transformation were farm tenancy and indebtedness. It was said in 1891 "that more farms in Illinois, Iowa and Wisconsin have been deserted by their owners than have been in New Hampshire, Vermont and Massachusetts."¹⁹ By 1890 tenants constituted 29.57 per cent of Iowa's 205,435 farm families.²⁰ Farmers occupying encumbered farms in their own name made up an additional 37.53 per cent. Half a million mortgages on real estate were placed in Iowa during the ten years ending with 1889 for a total, in round numbers, of \$440,000,000.²¹

Notable increase in such indebtedness during these years was particularly characteristic of northwestern Iowa, the corner county showing an increase of from \$84,671 to \$709,959, while the change was negligible in many eastern counties. Much of this farm mortgage fund was coming from the East, both from Wall Street and from New England, whence also came money for Iowa towns, industries, and railways. An Iowa creditor class, however, was playing an increasing rôle, and creditor competition was tending to drive interest rates downward.²² Rates ranging upward

¹⁹ *Iowa Agricultural Report*, 1891, p. 10.

²⁰ *Eleventh Census of the United States (Farms and Homes)*, 1890, pp. 35-42. The farm tenancy for the United States at this time is given as 34.08.

²¹ *Eleventh Census of the United States (Real Estate Mortgages)*, 1890, p. 174. The real estate mortgage debt for Iowa in 1890 was estimated to be \$199,774,171, including \$50,317,027 on town lots, a total which was more than a fifth of the estimated value of the farm lands, fences, and buildings. Of the incumbrance on farms occupied by owners in 1890, which was \$101,745,924 and which was exceeded only in the State of New York, 69.49 per cent was for the purchase of real estate. This incumbrance was 33.29 per cent of the value of the farms. The annual interest on this was estimated at \$7,491,665. It was estimated that 47 per cent of the taxed land in the State at this time was under mortgage.—*Eleventh Census of the United States (Farms and Homes)*, 1890, pp. 35, 59, 83, 150, diagram 9; Emerick's *An Analysis of Agricultural Discontent in the United States* in the *Political Science Quarterly*, Vol. XI, p. 603.

²² *Des Moines Leader*, November 6, 22, 1887; *Fort Dodge Messenger (Weekly)*, June 8, November 9, December 14, 1893.

from fifteen per cent per annum on short loans were reported during the eighties from localities in northern and western Iowa;²³ while census statistics of 1890 indicated the most prevalent interest rate on farm mortgages in the State to be eight per cent, with lower rates almost as important, "while 80 percent is the highest rate and is paid by one family on \$2,300."²⁴

In this development many Iowa farmers were confronted by a combination of problems with cumulative effect. A majority of them were finding it necessary to face rents or mortgages, while both tenants and indebted farmers often found their burdens intensified by declining prices of agricultural products. During the ten years beginning with 1880 the price of corn per bushel in Iowa fluctuated between forty-four cents [in 1881] and nineteen cents [in 1889].²⁵ Farmers who were feeding corn to hogs might find other worries besides hog cholera, for "hogs sold at lower prices at Chicago, December 20th, [1890] than at any time since September, 1879."²⁶ Those who continued to grow wheat saw the price of their product move generally downward from \$1.06 per bushel in Iowa in 1881 to sixty-three cents in 1889,²⁷ against which might be mentioned the general introduction in this period of the self-binder, materially reducing the cost of harvesting. It was estimated also that the market price of cattle declined more than thirty per cent for the period between 1885 and 1890.²⁸

²³ *Iowa Tribune* (Des Moines), February 6, 1884, May 26, 1886; *Western Rural* (Chicago, Illinois), September 17, 1887; *The Iowa Homestead* (Des Moines), January 27, 1888.

²⁴ *Eleventh Census of the United States* (Farms and Homes), 1890, p. 104.

²⁵ *Report of the Secretary of Agriculture of the United States*, 1889, p. 261.

²⁶ *Iowa Agricultural Report*, 1890, p. 41.

²⁷ *Report of the Secretary of Agriculture of the United States*, 1889, pp. 262, 263.

²⁸ Ashby's *The Riddle of the Sphinx*, p. 62, with quotation from the report of an investigating committee of the United States Senate.

This decline in the price of farm products of course meant an increase in the commodity value of debts, in many cases not offset by the decline in price and the increase in efficiency of farm machinery.²⁹ It meant also an increase in the commodity value of wages for farmers to pay, since wages did not fluctuate with prices.³⁰ These shifts in prices were accompanied by combinations on the part of those who handled agricultural products or provided important items for the farmer. The Iowa farmer as seller might come into contact with the "big four" packers and the Union Stock Yards, of Chicago, or line elevator companies allied with railroads.³¹ As buyer he might realize the existence of a barbed wire syndicate, a binder twine "trust", or other business combinations; and insurance "interests" might also discriminate against him.³²

Railway transportation was an important factor in both the development and the dissatisfaction of this period. The mileage in Iowa increased more than sixty per cent between 1880 and 1890, reaching a total of 8602 miles by the latter

²⁹ *The Iowa Homestead* (Des Moines), January 25, 1889; Bemis's *The Discontent of the Farmer* in the *Journal of Political Economy*, Vol. I, pp. 193-213. The latter writer observes that the "prices of what the farmer buys have fallen even faster than those of what he sells" but that this had not relieved the debtor farmers.

³⁰ *Report of the Commissioner of Agriculture of the United States*, 1887, pp. 580, 581; *The Iowa Homestead* (Des Moines), September 5, 1890.

³¹ *The Iowa Homestead* (Des Moines), May 9, 1890; *Iowa Farmer's Tribune* (Des Moines), May 25, 1892; Paxson's *The Cow Country in The American Historical Review*, Vol. XXII, pp. 71-81; Nourse's *Fifty Years of Farmers' Elevators in Iowa* (*Bulletin of the Agricultural Experiment Station, Iowa State College of Agriculture and Mechanic Arts*, No. 211, March, 1923), pp. 242, 246.

³² Gue's *History of Iowa*, Vol. III, pp. 103-107; Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 311; McCormick Harvesting Machine Company to Fry and Kelley, Mediapolis, Iowa, September 26, 1888, among the McCormick Agricultural Library Papers; *The Iowa Homestead* (Des Moines), May 21, June 18, July 16, 1886; *The Clinton Age* (Weekly), March 29, 1889.

year.³³ There was much dissatisfaction because of exploitation of the people in the construction or proposed construction of these railroads. William Larrabee, who as a State Senator had been favorable to the railroads, maintained as Governor that the railroads of Iowa had received altogether \$50,000,000 in public donations and exemptions, that the tracts of land granted them in various ways amounted to more than one-eighth of the area of the State, and that the railroads used one valuation for income and another for taxation.³⁴ He further estimated that for 1887, a year when Iowa suffered from drouth, though far less than States to the westward, the net income of the railroads in Iowa, amounting to \$13,000,000, was one-third of the value of the corn crop, three million dollars more than the value of the whole wheat crop, or one-sixth of the total value of the cattle of the State.³⁵ In general, the downward tendency of railway freight rates prior to the Populist movement seemed less than the downward tendency in the prices of farm products.³⁶

Dissatisfaction was also increased by discrimination. It was hard to convince the average Iowa farmer of the fairness of a policy that compelled him to give one car of corn to pay for the transportation of another to Chicago, declared the Iowa Board of Railroad Commissioners in their report for 1886, adding the comment: "There is a great deal of general complaint because railways do charge from \$60 to \$80 from Western Iowa, when it is understood that

³³ *Abstract of the Eleventh Census of the United States: 1890*, p. 172.

³⁴ Larrabee's *The Railroad Question*, pp. 328, 329; Gue's *History of Iowa*, Vol. III, pp. 142, 143; *The Iowa Homestead* (Des Moines), June 18, 1886, February 24, 1888. "There are counties in Iowa and other Western States struggling under heavy loads of bond-taxes, levied twenty-five years ago, to aid railways, of which not one foot has been built."—Tracy's *Rise and Doom of the Populist Party in The Forum*, Vol. XVI, p. 242.

³⁵ *The Iowa Homestead* (Des Moines), February 24, 1888.

³⁶ The average freight receipts per ton mile of railroads in the United States

cars from points still farther west are taken right by their doors to some eastern point for considerably less.”³⁷ Non-competing points and small shippers seemed to have little escape from such discrimination.

The expanding railroad interests were playing an important rôle in the politics as well as in the economic development of the State. Leading citizens of Iowa were liaison factors between railroads and the major parties. General Grenville M. Dodge had given up a seat in Congress to engage in the construction of the Union Pacific and other railroads. Judge N. M. Hubbard, for a quarter of a century one of the most influential leaders of the Republican party as well as one of the best lawyers of Iowa, was attorney for the Chicago and Northwestern Railroad and ever watchful of the interests of his client. J. W. Blythe, who, along with Hubbard, exercised dictatorial influence in the Republican ranks till Cummins came to power, was a champion for the Chicago, Burlington and Quincy Railroad. This road — the Burlington, or the “Q” — also had the aid of Ed Hunter, driving Democratic politician, and chairman of his party’s State committee in 1887 when anti-railroad agitation was waxing strong. “Q Reservation”, indeed, was a popular expression to suggest this railroad’s political influence in southern Iowa. Another Democrat, John F. Duncombe, a lawyer and editor of northwestern Iowa and twice a member of the legislature, served the Illinois Cen-

moved downward from 1.12 cents in 1884 to 0.97 cents in 1892.— *Statistical Abstract of the United States*, 1893, p. 274.

³⁷ *Annual Report of the Board of Railroad Commissioners of Iowa*, 1886, pp. 52, 53. In 1884 a *Chicago Tribune* correspondent, writing of farmer unrest in Iowa because of freight rates, reported from Perry: “The railroads take about 33½ per cent of the Chicago price of corn in freight and about 25 per cent of the price of hogs.” At Boone, Grinnell, and Atlantic conditions were found to be no better.— *Iowa Tribune* (Des Moines), December 17, 1884, quoting the *Chicago Tribune*.

tral Railroad nearly thirty years. John H. Gear, W. P. Hepburn, William B. Allison, and others were connected with railroad development or railroad activities.³⁸

The railroads also had a close connection with the press. It was partly through this influence that the repeal of the Granger railroad law was secured in 1878,³⁹ a time, however, when the State Grange and the Granger movement were on the decline. This influence was continued into the eighties and nineties. Free passes or mileage contracts for "advertising" were important items with newspaper men in those days, as were passes for important shippers, politicians, and office-holders in general.⁴⁰ Even reform editors sought passes from the railroads which they were denouncing.⁴¹ In fact, the securing of passes or mileage from railways seemed to be one of the factors or motives in many of the numerous journalistic undertakings characteristic of the period.⁴²

³⁸ Sources for this paragraph consist of Gue's *History of Iowa*, Vol. IV, pp. 77, 81, 138; Quick's *The Hawkeye*, pp. 298, 299; Aldrich's *The Repeal of the Granger Law in Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. III, pp. 256, 269, 270; *Iowa Tribune* (Des Moines), May 16, 1883; *Farmer's Tribune* (Des Moines), August 2, 1893; and interviews with men conversant with the conditions, including Professor F. I. Herriott, of Drake University, Mr. A. B. Funk, of Des Moines, and Mr. Lafayette Young, Sr., of Des Moines.

³⁹ Aldrich's *The Repeal of the Granger Law in Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. III, pp. 265-270. This is the account of one who participated in the activity for repeal.

⁴⁰ Wallace's *What the Middle West Wants in World's Work*, Vol. XX, pp. 12891-12897; interviews with Mr. H. McCormick, of Des Moines, and Mr. W. O. Payne, of Des Moines, March, 1924. The reform papers of the period emphasized a stronger economic pressure than that of passes or mileage, charging, for instance, that there was a close connection between the Gould interests and J. S. Clarkson, editor of the *Iowa State Register* and frequently referred to as a political "regent".

⁴¹ *Iowa Tribune* (Des Moines), September 30, 1885; *L. H. Weller Papers* (Wisconsin Historical Society). Weller rather frequently solicited passes or mileage and Weaver admitted using transportation received for advertising.

⁴² "During the last three or four years the number of papers launched on the sea of journalism, solely for the purpose of securing transportation, which

Taxation and the spoils system, by no means divorced from the press and the railroad problem, constituted another burden to intensify the pressure of declining prices for agricultural products. The aggregate amount of taxes raised for State and local purposes was more than \$11,000,000 in 1881 and increased steadily to more than \$15,000,000 in 1889, with about two-thirds of the assessments falling on farms — including live stock and personal property.⁴³ Many farmers were paying taxes on mortgaged property. Railroad assessments, less than one-tenth of the total assessments of the State, were only a fraction of the valuation on which was claimed the right to earn dividends.

Some of the tax burden was due to local misgovernment, graft, and lack of any effective accounting system, particularly in the new and growing counties. There were cases of padded contracts and duplicated payments. County printing bills were unnecessarily large, furnishing local ties between the press and the “rings”. There was also a close connection between Iowa journalism and patronage, local, State, and national.⁴⁴ The political issues of taxation and

could be used to advantage in prosecuting other business, has multiplied wonderfully.”—James Morton, general ticket and passenger agent, Burlington, Cedar Rapids and Northern Railway, to L. H. Weller, January 26, 1895, in the *L. H. Weller Papers* (Wisconsin Historical Society).

It was observed that Iowa was the fifth State in 1888 in number of newspapers and periodicals published.—*The Saturday Evening Post* (Burlington), April 20, 1889, quoting the Rowell directory. The number of political journals claimed for Iowa in 1893 was 593, including twenty-five with independent leanings and fourteen minor party papers.

⁴³ Brindley's *History of Taxation in Iowa*, Vol. I, p. 112; report of the secretary at the annual meeting of the Iowa Farmers' Alliance, 1890, published in *The Iowa Homestead* (Des Moines), November 7, 1890.

⁴⁴ Garland's *A Spoil of Office in The Arena*, Vol. V, p. 502; *The Saturday Evening Post* (Burlington), February 22, 1890; letter from Herbert Quick to the writer, April 18, 1924, supporting the Hawkeye descriptions of “ring” rule and corruption; interview with Mr. A. B. Funk, of Des Moines, March, 1924.

misgovernment were somewhat complicated by the passage in 1884 of the Statewide prohibitory law. This law lasted ten years, but it was violated with impunity — frequently with the connivance of officers of the law, notably in the river towns and counties. The systematic license tax disappeared, but the prohibition farmer element saw a continuation of the liquor evil in many sections.⁴⁵ The liquor question was in politics and would not down.

Moreover, due partly to the unsettled political and industrial conditions, unsuspecting farmers became victims of swindles greater than those associated with the lightning rod. Farmers in Iowa and other States, for example, sometimes became purchasers, for planting purposes, of "Bohemian oats", frequently at ten dollars per bushel. The company or salesman might agree to sell part of the product for the farmer at the same price on commission, but a lurking clause in the contract would amount to an order and note from the farmer, who would later meet with an "innocent purchaser" of the note, or the pyramid sales process would break on discovery of the fraud and the farmer would be unable to get fancy prices for ordinary oats. Peddlers worked similar frauds in other commodities.⁴⁶

The rural wealth of Iowa, however, was increasing, with the value of the annual agricultural production approaching half a billion dollars by the time Populism became a challenge.⁴⁷ At times Iowa agriculture profited from scar-

⁴⁵ Clark's *The History of Liquor Legislation in Iowa, 1878-1908*, in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, pp. 503-608; *The Saturday Evening Post* (Burlington), February 11, 1888.

⁴⁶ *The Iowa Homestead* (Des Moines), February 12, 1886, April 1, 1892; *Western Rural* (Chicago, Illinois), October 10, 1885, February 12, 1887; *Iowa Tribune* (Des Moines), February 15, 1888; *National Economist* (Washington, D. C.), Vol. II, p. 206, giving an item from Mount Pleasant, Iowa.

⁴⁷ *Fort Dodge Chronicle*, November 8, 1893, quoting from Hatton's article in the *Washington Post* on the production of 1891.

city caused by drouth in other North Central States. There was an increasing amount of agricultural and economic diversification: Iowa corn was fed to Iowa hogs which were slaughtered by Iowa packers and butter from Iowa creameries was shipped to points in the East. Yet there was a feeling that the farmer was not getting what he deserved, that he "is about the only man that is in competition. Nearly everything else is in combination."⁴⁸ Agricultural wealth, it was observed even in conservative quarters, was not increasing as rapidly as industrial wealth; and it was pointed out that "railroads are all paying big dividends."⁴⁹ And there must be something wrong in the politico-economic system that permitted a Phil Armour or an Andrew Carnegie to burden others by such "rapid and unjust" accumulations of wealth.⁵⁰

There were interests in Iowa to oppose reforms; there were agricultural and business interests that might both support and moderate reform programs; and there was a skirmish line of extreme reformers. Iowa had become a State where the "bloody shirt" could be waved over a "Gibraltar of Republicanism", though an anti-liquor program might drive important German and urban elements from the fortress. What would be the direction of farmers' movements and reform activities under such conditions?

REFORM MOVEMENTS OF THE EIGHTIES

To cope with the conditions confronting the farmers of the eighties, various organizations were launched and

⁴⁸ *The Iowa Homestead* (Des Moines), January 3, 1890.

⁴⁹ *The Saturday Evening Post* (Burlington), January 21, 1888; *Iowa State Register* (Des Moines), April 9, 1893.

⁵⁰ *Iowa Tribune* (Des Moines), October 6, 1886; *The Saturday Evening Post* (Burlington), January 16, 1892.

activities undertaken. There were farmers' organizations, third parties, and reform elements in the "too old parties". There was an interplay of influences among these factors, which, though hard to measure, operated partly to prepare the way and partly to remove the necessity, or show the lack of necessity, for the later Populist movement.

The Grange organization in Iowa, which had dwindled to almost nothing, was partially revived during the decade of the eighties, increasing from eight local granges in 1885 to fifty-two in 1890.⁵¹ But much of the Grange spirit, leadership, and personnel became identified with newer organizations. The Iowa Farmers' Alliance was formed at Des Moines on January 12, 1881, three months after the establishment at Chicago of the National Farmers' Alliance, with which the Iowa State and local units were affiliated.⁵² The first State president was L. S. Coffin, of Fort Dodge, who was later appointed Railroad Commissioner by a Republican Governor. The first State secretary was C. F. Clarkson, agricultural editor and part owner of the *Iowa State Register*, the most powerful Republican paper of Iowa. In less than two years there were about a hundred and fifty local alliances in the State, and it was declared by an Iowa representative of the *Western Rural*, the national organ of the Alliance, that they were "untrammelled advocates of Reform with Rep. proclivities."⁵³ The member-

⁵¹ Anderson's *The Granger Movement in the Middle West with Special Reference to Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXII, p. 48.

⁵² Gue's *History of Iowa*, Vol. III, pp. 103-107; *Western Rural* (Chicago, Illinois), November 20, 1886. This general organization, sometimes referred to as the "Northern Alliance" or the "Northwestern Alliance" must be distinguished from the organization which finally assumed the name of the National Farmers' Alliance and Industrial Union. The latter, sometimes referred to as the "Southern Alliance", did not secure establishment in Iowa till 1891.

⁵³ Letters of J. W. Witham to L. H. Weller, July 24, August 15, 1882, in the *L. H. Weller Papers* (Wisconsin Historical Society).

ship dues were less than the Grange dues, and the secret features of the Grange were lacking.

The *Iowa Homestead* became the most consistent and continuous journalistic supporter of the Iowa Farmers' Alliance, while the *Western Rural*, of Chicago, was the spokesman of the National Farmers' Alliance. Both were weeklies, generally fighting shy of third parties and advocating reform through non-partisan methods.⁵⁴ The influence in Iowa of the *Western Rural* and its editor, Milton George, became distasteful to some of the conservative founders of the Iowa Alliance.⁵⁵ Thus the Iowa branch became an important part of the national organization, and was in general sympathy with the plans for uniting the farmers for agricultural advancement and protecting them against class legislation, monopoly, and swindling. Under the long continued secretaryship of August Post, a business-type farmer of Moulton, the Iowa Alliance was to serve somewhat as a business agent for farmers and to exert an important influence in State politics and legislation.

This State Farmers' Alliance was officially interlocked with the Farmers' Protective Association, which was organized at a Des Moines convention in April, 1881, for the purpose of fighting the barbed wire "trust", formed by Washburn and Moen — branded as "New England sharks" — and J. M. Ellwood of Illinois.⁵⁶ The new farmers'

⁵⁴ *The Iowa Homestead* (Des Moines), September 3, 1886, January 3, November 7, 1890; *Western Rural* (Chicago, Illinois), January 29, 1887, April 30, 1892.

⁵⁵ *The Iowa Homestead* (Des Moines), June 11, 1886, quoting C. F. Clarkson; *Western Rural* (Chicago, Illinois), January 29, April 28, 1887. Milton George was for some years the secretary of the National Farmers' Alliance, his paper bearing the expenses of the national organization. Uncomplimentary remarks were passed between him and Clarkson.

⁵⁶ Gue's *History of Iowa*, Vol. III, pp. 103-107; *Western Rural* (Chicago,

organization showed kinship to the Grange, and W. L. Carpenter, for many years secretary of the State Grange, became State secretary of the Farmers' Protective Association. A. B. Cummins became the chief attorney for the Association. With Carpenter as manager, a "free factory" was established at Des Moines to manufacture wire for sale at reasonable prices. The "trust", which was undertaking to regulate wholesale and retail prices, was however in control of important patents on processes and machines and when the Des Moines factory began selling wire directly to farmers at seven and one-half cents per pound — a few cents less than the "trust" price — continued to reduce the price, and refused to arrange terms of compromise with the opposition, Cummins and his aids had several patent suits on their hands. A legislative appropriation of \$5000 was made to enable the Association to carry on the contest. The Farmers' Alliance also sent out a call to the farmers for funds to defray the expenses of the barbed wire suits. The legal contest lasted more than five years, with a division of victories and with the "free factory" continuing to run till the general prices of wire were reduced.⁵⁷

Another outgrowth of the Grange movement and more largely of the Farmers' Alliance was that of farmers' mutual insurance organizations. The growth of these associations was encouraged by the belief that insurance companies were taking too much money out of Iowa and that Iowa stock companies were not only forming improper combinations but also undertaking to influence the State

Illinois), February 7, 1885. Three officers of the Iowa Farmers' Alliance were among the organizers of the Farmers' Protective Association.

⁵⁷ Gue's *History of Iowa*, Vol. III, pp. 103-107; *Iowa Tribune* (Des Moines), January 24, March 14, December 12, 1883; *Western Rural* (Chicago, Illinois), February 7, 1885; *The Iowa Homestead* (Des Moines), January 1, May 7, 1886.

government. By 1886 it was claimed that about half the counties of the State had mutual associations which were "giving the farmers safe and reliable indemnity at less than half the amount they would pay a stock company."⁵⁸ There was a State association in which county and local associations were represented. By the time of the ninth annual meeting of the Iowa Farmers' Mutual Insurance Association in 1889, there were in the State one hundred and sixteen mutual fire and tornado insurance companies, composed largely of farmers, and these companies handled about one-seventeenth of the total non-life insurance business in Iowa.⁵⁹

The *Iowa Homestead* observed that this rapid growth was influenced by the Brown affair. J. L. Brown, on becoming State Auditor in 1883, undertook reforms in the insurance department which were distasteful to important corporations, and in the midst of the controversy was impeached. He was acquitted after a bitter contest, in which he was taken up as a sort of martyr by the opposition press. The resulting criticism was favorable to the farmers' mutuals.⁶⁰

A few farmers' coöperative elevators, chiefly in northern and western Iowa, also sprang up during the Alliance period for the purpose of combating organized grain interests already in possession of the field. Some of these have continued in business to the present time.⁶¹ The Farmers'

⁵⁸ *The Iowa Homestead* (Des Moines), March 5, 1886, with letter of J. B. Herriman, of West Union.

⁵⁹ *The Iowa Homestead* (Des Moines), January 3, 1890; *Iowa State Register* (Des Moines), August 2, 1890.

⁶⁰ Gue's *History of Iowa*, Vol. IV, p. 31; *The Iowa Homestead* (Des Moines), June 18, July 9, 16, 1886.

⁶¹ Nourse's *Fifty Years of Farmers' Elevators in Iowa* (*Bulletin of the Agricultural Experiment Station, Iowa State College of Agriculture and Mechanic Arts*, No. 211, March, 1923), pp. 242, 243.

Alliance did not identify itself in any positive way with the elevator movement or the mutual insurance movement of the eighties, though some business, both buying and selling, was done through Alliance exchanges or agents. Such items as binding twine, coal, and salt were bought in this way by farmers. In some places, largely in the western and northwestern parts of the State, Alliance coöperative stores were operated.⁶² But it was not so much through business enterprises as through political and legislative measures that the Alliance, other general farmer organizations, and detached clubs sought to remedy the farmers' ills of the times.

Third party leaders had been seeking to attract attention to the banner of reform. The Iowa Greenback party became a partial heir of the Anti-Monopoly party of the Granger period, though it gave more attention than did the earlier party to national issues and other subjects besides transportation. Moreover there was some continuity of leadership and personnel from the Anti-Monopoly party through the Greenback party to the Populist party. L. Q. Hoggatt of Ames, member of the Anti-Monopoly legislature, was a striking example of this continuity. L. H. ("Calamity") Weller, of the Fourth Congressional District, was for more than a quarter of a century a Greenbacker and bitter-end Populist. James B. ("Jumping Jim") Weaver, twice candidate for President and thrice elected as a fusionist congressman from the Sixth Congressional District, was a conspicuous State and national leader of both the Greenback and the later Populist party. Another leader was E. H. ("Heifer-Calf") Gillette of Des Moines, who went to Congress with Weaver in 1879 and was

⁶² *The Iowa Homestead* (Des Moines), December 7, 1888; *Western Rural* (Chicago, Illinois), October 21, 1891. The annual business reported by the State agent in 1891 was \$107,494.32.

later associated for several years with the latter in publishing the *Iowa Tribune*, the leading third party organ in the State.

The State and national platforms of the Greenback party naturally pushed monetary issues to the forefront.⁶³ There was a constant demand that national banks be abolished and that full legal tender paper be issued by the government. The unlimited coinage of silver was advocated as another check to the money monopoly. Furthermore the third party leaders urged that the interest-bearing national debt should be paid as soon as possible and not be refunded. "Pay the Bondholder the same money you paid the Gunholder", ran a slogan, supported by the words, "Let us have more Greenbacks and more Prosperity."⁶⁴ The *Iowa Tribune*, always emphasizing the need for more money, observed somewhat prophetically in 1885:⁶⁵ "We have long maintained that the battle of the ages on the financial issues, must be fought out between the debtor West and South, and the creditor East." In addition the voters were urged to remember that the Greenback party of Iowa demanded

⁶³ The State platforms of all parties for the years of 1884 to 1888, inclusive, are given in Mott's *Iowa Political Conventions and Platforms* in the *Annals of Iowa* (Third Series), Vol. XIV, Nos. 1 and 2. The annual *Iowa Official Register* furnishes both the platforms and the election statistics for the years subsequent to 1888, while Fairall's *Manual of Iowa Politics*, published annually from 1881 to 1884, inclusive, gives all platforms of the Greenback period prior to 1884. Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, Chs. XII and XIII, furnishes a good chronological account of Greenback party activities in Iowa, and shows the relation of this party to the political issues of the time.

⁶⁴ L. H. Weller's letterhead, 1882, in the *L. H. Weller Papers* (Wisconsin Historical Society). Because of his opposition to national banks, Weller as congressman in 1883 refused to endorse the application for a national bank charter for the town of Rockford in his district, his endorsement being necessary under a ruling of the Comptroller of the Currency.—*Iowa Tribune* (Des Moines), August 8, 1883.

⁶⁵ *Iowa Tribune* (Des Moines), November 11, 1885.

government loans to the people that "will kill the mortgage business".⁶⁶

Land monopoly and railroad monopoly were other important subjects that found treatment in the Greenback platforms, both State and national. "The public lands are the common property of the whole people, and should not be sold to speculators, nor granted to railroads or other corporations, but should be donated to actual settlers in limited quantities."⁶⁷ Grants to railroads not complied with by the latter should be forfeited and the land should be held by the government for settlement.

There was much criticism of the fact that settlers had been expelled from Oklahoma lands which cattle syndicates were pasturing free of charge. There was condemnation also of "that policy that permits vast tracts of land to be owned by any individual or corporation" or that permits non-resident alien ownership of land.⁶⁸ The Greenback party branded the act of 1878 "substituting a railroad commission for laws governing freight rates in the State as a fraud secured by the railroad companies through a Republican Legislature" and demanded its repeal.⁶⁹

The State party platform endorsed or duplicated the national platform demands for a graduated income tax, protection of labor, and universal suffrage. The Iowa Greenbackers also went on record as favoring the direct election of President, Vice President, and United States Senators.⁷⁰

⁶⁶ *Iowa Tribune* (Des Moines), September 29, 1886. In 1885 and 1886 the State platforms of the party demanded government loans of lawful money to the people at low rates of interest.

⁶⁷ State platform of 1878.

⁶⁸ State platform of 1886.

⁶⁹ State platform of 1881.

⁷⁰ State platforms of 1881 and 1883.

The Iowa Greenback party represented a farmers' movement. Formed in 1876, a year marked by a low corn yield and the lowest wheat yield in the history of the State, it developed its greatest strength in frontier counties and during the agricultural depression of the late seventies, with Greenback gains reflecting a corn price of eight cents per bushel in parts of Iowa in 1878.⁷¹ In spite of platform clauses favorable to labor, the leading Greenback spokesman wanted his addresses in Iowa in 1882 to be "at points where the *farming* element can be reached. The cities are *hopeless* for the present."⁷²

The Greenback party registered its greatest numerical strength in the State in 1879, when its candidate for Governor received 45,439 votes — more than half the number cast for the Democratic candidate and more than fifteen per cent of the total vote cast. At this time the party elected two State Senators from southern border counties and five Representatives from widely scattered parts of the State.⁷³ Weaver and Gillette were in Congress at the time through Democratic-Greenback support. Decline set in after 1879. Weaver received an Iowa vote of 32,701 for President in 1880 but was able to secure only 23,089 as the Greenback candidate for Governor three years later, though he ran ahead of the Democratic candidate in a three-cornered race for Congress in the sixth district in 1882. It was by resumption of fusion that he was elected to Congress in 1884 and again in 1886.

⁷¹ Ruggles's *The Economic Basis of the Greenback Movement in Iowa and Wisconsin* in the *Proceedings of the Mississippi Valley Historical Association*, Vol. VI, pp. 141, 158-162.

⁷² Letter from J. B. Weaver to L. H. Weller, February 28, 1882, in the *L. H. Weller Papers* (Wisconsin Historical Society).

⁷³ Fairall's *Manual of Iowa Politics*, 1881, p. 120; Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 174. In this peak year of 1879 the Greenback State convention had delegates from sixty-nine of the ninety-nine counties of the State.

The Greenback party was becoming less popular than its issues. B. F. Gue, editor of *The Iowa Homestead* and a former Lieutenant Governor, was quoted in 1883 as endorsing every plank in the Greenback State platform except the one "arraigning the republican party."⁷⁴ The distaste for the Greenback party was illustrated in Weller's campaign for Congress in 1882. He carried the fourth — or northeast — district as a Greenbacker with Democratic support, but not without a hard fight and the liberal use of money. One of his paid workers, a *Western Rural* representative who was interested in the Farmers' Alliance, advised Weller to stay under cover to avoid the anti-Greenback prejudices of Republican farmers. This worker's speeches were to be advertised as free lectures on "The Farmers Alliance".⁷⁵ After the election an admirer of Greenback principles assured Weller that if the campaign had been made "on the Greenback issue, and by *that name* instead of Anti-Monopoly,— you would not today be member of Congress."⁷⁶

Though better organized than the earlier Anti-Monopoly party, the Greenback party of Iowa was characterized by factional wrangles and jealousies, lack of finances, and some tendency on the part of leaders to exploit the rank and file. The correspondence of leaders reveals bickerings over funds and complaints because of lack of funds or poverty of local Greenbackers.⁷⁷ A worker wrote to Weller:

⁷⁴ *Iowa Tribune* (Des Moines), July 18, 1883. The *Iowa State Register* maintained that "the Republicans of Iowa are opposed, nine out of ten, to the anti-Greenback movement."— *Weekly Iowa State Register* (Des Moines), January 9, 1880, quoted in Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 175.

⁷⁵ Letters from J. W. Witham to L. H. Weller, August 21, 22, September 15, 1882, in the *L. H. Weller Papers* (Wisconsin Historical Society).

⁷⁶ Letter from Charles A. Lloyd to L. H. Weller, March 14, 1883, in the *L. H. Weller Papers* (Wisconsin Historical Society).

⁷⁷ *L. H. Weller Papers* (Wisconsin Historical Society).

"I am now clear out of the Tribune Can you make me a good list of appointments in your District where the boys will pay up?"⁷⁸ Other speakers seemed to be in the cause of reform for satisfactory compensation or "the usual terms", but there was a sort of fascination about combining reform, journalism, and public speaking, however much financial hopes might be disappointed. There was also a social demand for such a combination in the period between the heyday of the Grange and that of the Chautauqua. And, like the Chautauqua, the Greenback party did not stop with a lecture bureau; it had "Messrs. Lurton and Stout, two famous campaign singers who have sung Greenback songs all over Iowa."⁷⁹ A militant religious note was often brought into play, particularly by Weaver, who was apt at scriptural quotation and illustration.

Much of the division in the Greenback party and in its State conventions was over the question of fusion with the Democrats.⁸⁰ To fuse or not to fuse was an ever recurring question. In spite of hard money Democrats and uncompromising Greenbackers, the two parties arranged State fusion in 1878, 1884, 1885, and 1886, narrowing the plurality of the Republican candidate for Governor in 1885 to 5216. Weaver was frequently an important factor in promoting fusion, though in doing so he displeased those of his party who distrusted the Democrats. Weller and the anti-fusionists defeated the Weaver-Gillette wing in the convention at Marshalltown in 1887, leaving Weaver "a man without a

⁷⁸ Letter from Joe Ingalls to L. H. Weller, July 28, 1882, in the *L. H. Weller Papers* (Wisconsin Historical Society).

⁷⁹ *Iowa Tribune* (Des Moines), August 17, 1887.

⁸⁰ This point is brought out clearly in Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, Chs. XII and XIII, in which the question of fusion is discussed.

party", according to a delighted Republican paper.⁸¹ "Fusion has played hell in the sixth district", ran a comment when Weaver was in Congress from that district, "and all Labor papers are blotted out except those that (for money) are willing to assist old rotten bourbon democracy."⁸² It is significant that the Democrats elected the Governor in 1889 without fusion, largely through capitalizing the dissatisfaction with the Republican prohibition régime.

The prohibition issue, however, was something of a dilemma to the Greenback party. Weaver was an outspoken opponent of the liquor interests and, as a member of the Republican party, had championed prohibition. His attitude on this issue was a big factor in causing a combination and stampede against him in the Republican convention in 1875, when the nomination for Governor seemed to be within his grasp. Nevertheless, after Weaver quit the Republican party to fight it on financial issues, rural sentiment forced it to sponsor prohibition. A separate Prohibition, or Temperance, State ticket received a vote of more than ten thousand in 1877. After a bitter contest a prohibition amendment to the State Constitution was ratified in 1882 by a majority of more than twenty-nine thousand votes. Though this amendment was invalidated because of a flaw in its adoption, legislation was enacted in 1884 imposing "prohibition as absolute as that contemplated by the

⁸¹ *Iowa State Register* (Des Moines), June 10, 1887. This convention was held under the name of the Union Labor party, successor to the Greenback party, as noted below.

⁸² Letter from E. O. Davis to L. H. Weller, June 16, 1888, in the *L. H. Weller Papers* (Wisconsin Historical Society). Dr. Sanks, Greenback leader of Dallas County, referred to fusionist activities as the death of the "rag baby" and as making him a "political orphan."—*Iowa State Register* (Des Moines), March 12, 1887.

amendment.”⁸³ The *Iowa State Register* had championed the cause of prohibition, and the Republican party was committed. Votes in river counties began to shift to the anti-prohibition Democratic party and it was observed that the “Germans have deserted the Republican banner.”⁸⁴

The Greenback party, because of its farmer constituency and the Weaver influence, could not easily side-step the prohibition issue. It charged the Republicans with bad faith and undertook to pose as the only genuine prohibition party. This attitude, however, tended partly to minimize the issues between the Greenbackers and the Republicans. When Weaver as candidate for Governor in 1883 wanted to participate in the debates arranged between the two major party candidates, the Republican State committee chairman, in denying the request, explained that the vital issues were between the Republicans and Democrats and that “no such wide variances” existed between the Greenback and Republican parties, since both had the same attitude on the saloon question and since the greenback question had apparently been settled by the people.⁸⁵

The Greenback party could not easily invade the Republican party, the party in power in the State, because of similarity of their attitudes on the prohibition issue, while on the other hand effective coöperation with the Democratic party was hindered by divergence of attitudes on this pressing issue. A Democratic paper in 1883 said: “The temperance question promises to be a triple alliance, an unholy combination of the greenbacker, the republican, and

⁸³ Clark's *The History of Liquor Legislation in Iowa, 1878-1908*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, p. 540.

⁸⁴ Letter from W. B. Barnes to L. H. Weller, August 10, 1882, in the *L. H. Weller Papers* (Wisconsin Historical Society).

⁸⁵ *Iowa Tribune* (Des Moines), July 25, 1883.

the prohibitionist."⁸⁶ At a later date the *Iowa State Register* noted that the important German element in the Democratic party had repudiated Weaver because of his stand on prohibition.⁸⁷

Within the Greenback party councils the support of prohibition was by no means unanimous. The subject aroused debate in State conventions. After Weaver had emphasized prohibition for the campaign of 1883, Weller expressed disapproval, observing that the Republican and Greenback candidates would divide the prohibition vote.⁸⁸ Arguments of expediency were later made by Greenbackers against use of the prohibition issue when there was much dissatisfaction over the enforcement or non-enforcement of the law and it was thought the Republican party was losing votes on the issue. The party shifted ground after 1883, omitting a prohibition plank or merely advocating the use of all practical means for the suppression of intemperance. The Union Labor party, successor to the Greenback party, voted down prohibition in its State convention in 1888.⁸⁹

Along with this shift on prohibition the Greenback party was experiencing another modification. Farmers were falling away from it, and the growing Iowa Farmers' Alliance was not proving to be an effective feeder to third parties. The party was making a stronger bid than formerly for the support of the labor element, but attention continued to be given to the old general issues — the three

⁸⁶ *Iowa State Press* (Iowa City), February 21, 1883, quoted by Haynes in *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 187.

⁸⁷ *Iowa State Register* (Des Moines), July 20, 1887, with citation from *Reform*, a German Democratic daily of Davenport. Democratic opposition to prohibition was also voiced by the *Staats-Anzeiger*, of Des Moines.

⁸⁸ Clipping of a Weller interview, in the *L. H. Weller Papers* (Wisconsin Historical Society).

⁸⁹ *Iowa Tribune* (Des Moines), July 4, 1888.

monopolies of money, land, and transportation. Weaver, in Congress till 1889, was still fighting the money trust, the railroads, and the cattle kings, and advocating the popular election of United States Senators. But he was also "a thorough believer in the eight-hour day",⁹⁰ and the scope of Greenback State platforms was broadened to give more attention to labor questions. Regulation of conditions in mines was demanded of the legislature. In the platform of 1885 the Iowa Greenback party offered "to the Knights of labor, and to all labor organizations . . . the most available agency of relief and reform." The Knights of Labor organization reached a membership of 25,000 in Iowa in the eighties.⁹¹ James R. Sovereign, of Atlantic, was prominent in both the Greenback party and the Knights of Labor, becoming grand master workman of the latter. L. H. Weller also became an official organizer of the Knights of Labor. "Now that the Knights of Labor have taken the most advanced position of the Greenback party", ran the argument, "let the Greenbackers join hands with the Knights."⁹² It was a renewed attempt to unite farmers and laborers in a combination for reform.

The Union Labor party was launched through an "industrial convention" at Cincinnati in February, 1887. E. H. Gillette, as chairman of the national committee of the Greenback party, issued the call to the national committee for this meeting. Each congressional district was to have one delegate for each sympathetic organization, such as the Knights of Labor, the Greenback party, the Farmers' Alli-

⁹⁰ *Iowa Tribune* (Des Moines), May 5, 1886. Weaver had introduced a bill to establish a national department of labor with a cabinet officer as head.

⁹¹ Downey's *History of Labor Legislation in Iowa*, pp. 3, 4. The membership was placed at 30,000 in the news of a State meeting in 1887.—*Iowa State Register* (Des Moines), July 14, 1887.

⁹² *Iowa Tribune* (Des Moines), June 16, 1886.

ance, and the Grange. In compliance with the call an "industrial convention" was held at Des Moines for the seventh district and one delegate each was chosen for the Knights of Labor, the Farmers' Alliance, and the Greenback party. Weaver sent a message to the national meeting.⁹³

A State convention of the Union Labor party was held at Marshalltown on June 9, 1887, with about one-third of the counties represented. A ticket was nominated after a contest between the Weaver and Weller wings over Democratic fusion bringing a disparaging reference to the "Greenback party of Iowa in its Labor Union uniform".⁹⁴ Because of much dissatisfaction with the convention and complaints that it was not representative, a subsequent convention was called by W. H. Robb, member of the Union Labor national committee, and J. Bellangee, chairman of the Greenback State committee. It was finally decided to support the original ticket and platform, which were recommended to "the Union Labor, Greenback, and other Anti-Monopoly voters of Iowa."⁹⁵

M. J. Caine was the candidate for Governor. The Union Labor vote in the State was 14,283, less than two-thirds of the last straight Greenback vote, that of 1883. While generally the Greenback party had received its greatest support in frontier counties, the Union Labor ticket in 1887 polled its largest vote in the eastern border county of Dubuque, which had given but sixty-six votes to Weaver for Governor in 1883. The Union Labor party had earlier in the same year elected its municipal ticket in the city of Dubuque.

⁹³ *Iowa Tribune* (Des Moines), January 5, February 23, March 2, April 13, 1887.

⁹⁴ *Iowa State Register* (Des Moines), June 10, 1887.

⁹⁵ *Iowa Tribune* (Des Moines), July 27, September 7, October 5, 1887.

In 1888 the party received a State vote of approximately 9000; and the following year the Union Labor candidate for Governor, S. B. Downing, received a vote of only 5579, slightly less than the plurality of the Democratic candidate over the Republican, while one Greenback candidate polled a vote of only forty-two. The Union Labor party, in 1889, secured one member in each house of the legislature from southeast central counties. Labor support seemed no less wavering than that of farmers. James R. Sovereign, the labor leader who had strongly advocated a straight Union Labor ticket in 1887, was becoming more friendly toward the Democrats,⁹⁶ through whose success he was to be appointed State Commissioner of Labor Statistics. Moreover, anti-reform activities were undertaken by railway labor in the State, under the influence, it was charged, of railway managers; and this tended to make farmer reformers hesitate "about too close a union with labor organizations."⁹⁷ H. S. Wilcox of Des Moines, an early and prominent Greenbacker, saw no hope of third party success: such movements were ruined by Greenback and Union Labor failures and he intended to make no more sacrifices for such things. The people, he felt, were nearsighted.⁹⁸

Again the faithful must seek a revival, must take a new departure. The Union Labor Industrial party of Iowa therefore met in State convention at Des Moines on August 14, 1890. It was a "Weaver-Gillette convention", according to a Republican view, under the name of "Greenback,

⁹⁶ *Des Moines Leader*, April 7, 1888, quoting the *Council Bluffs Globe*.

⁹⁷ *The Iowa Homestead* (Des Moines), May 23, 1890; letter from J. H. Sanders, president of the Iowa Farmers' Alliance, to L. H. Weller, January 19, 1892, in the *L. H. Weller Papers* (Wisconsin Historical Society). *The Iowa Homestead* made reference to the contest of 1887 over railway regulation. *The Iowa Tribune* also pointed to anti-reform work among railway employees.

⁹⁸ Letter from H. S. Wilcox to L. H. Weller, January 4, 1888, in the *L. H. Weller Papers* (Wisconsin Historical Society).

Union Labor, Knights, Industrial party''.⁹⁹ It endorsed the demands and declaration of principles adopted by the Farmers' and Laborers' Industrial Union of America at St. Louis in December, 1889. This meant a line-up with the views of the Southern Farmers' Alliance, views which furnished material for the Populist party. Yet in spite of attempts to make the Union Labor Industrial party represent both farmers and laborers, its State ticket received only about 8800 votes, less than three per cent of the votes cast, though an increase over the Union Labor party vote of 1889. The western county of Monona gave it over 1200 votes as compared with 238 for the Greenback party's candidate for Governor in 1889, but Dubuque County gave it only three votes. Thus the Union Labor party furnished a connection and a continuity from the Greenback party to the Populist, or People's party, which put a ticket in the field in Iowa in 1891. It emphasized the labor and industrial features of the Greenback program and added the demand for government ownership of the means of transportation and communication. This was reflected in the platform of the People's party. But other factors must be considered before the story of the People's party can be told.

The Iowa Farmers' Alliance had been increasing in strength and influence. "New Alliances are being organized in Iowa all the time", said the *Western Rural* in 1885.¹⁰⁰ One hundred and forty delegates from forty counties attended the annual State meeting in 1887; and August Post, the State secretary, in that year became the secretary of the national organization. In the two or three years prior to 1890 the Iowa Alliance¹⁰¹ grew "with astonishing

⁹⁹ *Iowa State Register* (Des Moines), August 15, 1890.

¹⁰⁰ *Western Rural* (Chicago, Illinois), September 12, 1885.

¹⁰¹ *The Iowa Homestead* (Des Moines), May 9, 1890.

rapidity", and more than quadrupled its membership. In the fourteen months preceding the State meeting of 1890 the regular membership increase was 14,836, while the number of new alliances was 714, including thirty county organizations. This growth meant the existence of county alliances in fifty-two of the ninety-nine counties.¹⁰² More than 1700 local alliances had been started, and it was estimated that the whole organization in the State represented 50,000 votes.¹⁰³ Prominent Farmers' Alliance men were listed in the membership of the Iowa State Grange, which numbered about a thousand at the end of the eighties.

The Alliance was exerting an influence in State politics. Greenbackers naturally wanted to utilize it for the benefit of their party and their candidates. Local alliances were sometimes organized for third party purposes.¹⁰⁴ But these attempts to throw the Alliance support to the Greenback and the Union Labor parties were not highly successful. The Alliance membership was rapidly rising while the Union Labor party vote was on the decline. The *Iowa Homestead* was not alone in urging the farmers' organizations to seek reforms through non-partisan methods. J. Kennedy, president of the Iowa Farmers' Alliance in 1886, urged farmers to use the ballot but to work through their respective parties and not to organize as a separate party. He desired and anticipated no fusion with the Knights of

¹⁰² *Proceedings of the Iowa Farmers' Alliance*, 1890, pp. 22, 23. It was also reported at this meeting by the secretary that 25,000 copies of the National Farmers' Alliance constitution had been distributed in Iowa during the year, while 80,000 copies of the constitution of the State organization had been distributed.

¹⁰³ *Iowa Tribune* (Des Moines), January 22, 1890; *The Iowa Homestead* (Des Moines), May 9, 1890.

¹⁰⁴ It is mentioned by C. Lower in a letter to Weller, May 2, 1883, that a county alliance had been organized to hold Winneshek County, which Weller carried in 1882.—*L. H. Weller Papers* (Wisconsin Historical Society).

Labor.¹⁰⁵ Post as State secretary also urged non-partisan activity and vigorously opposed partisanship in the Alliance, "composed as it is of prominent members of the Republican, Democratic, Greenback, Union Labor and Prohibition parties."¹⁰⁶

The Iowa Farmers' Alliance, though it did not generally champion the third party idea, nevertheless manifested a disregard for party regularity and conservatism. It strongly encouraged the anti-monopoly spirit in politics. Its membership and farmers generally became aroused over the problem of transportation. They demanded both State and interstate regulation of railroads. In 1886 there was a contest on the transportation issue in the Eighth Congressional District, including the southwest corner of the State. W. P. Hepburn was seeking reelection as the regular Republican candidate and favored the Cullom Bill as opposed to the more radical Reagan Bill for the Federal regulation of railroads. A. R. Anderson, a former State Railroad Commissioner and a Republican, was an independent candidate with Democratic-Greenback support. The latter championed the Reagan Bill, for which a majority of the Iowa Republican congressmen had voted.¹⁰⁷ James Wilson, who visited the district in Hepburn's interest, reported that the people were so excited over the transportation question that they would not listen to the discussion of other subjects, that "party fealty does not sit as heavy as a sense of neglect," and that "it makes a farmer hopping mad to see freight run from Kansas City through his town to Chicago for \$35, while he pays \$70."¹⁰⁸ J. M.

¹⁰⁵ *Iowa State Register* (Des Moines), January 26, 1887.

¹⁰⁶ *Western Rural* (Chicago, Illinois), December 15, 1888.

¹⁰⁷ *The Iowa Homestead* (Des Moines), September 3, 1886.

¹⁰⁸ *Cedar Rapids Gazette*, quoted by *The Iowa Homestead* (Des Moines), October 22, 1886.

Pierce and his *Iowa Homestead*, of which Henry Wallace was editor, made a fight on Hepburn, who was defeated.¹⁰⁹

Dissatisfaction over the railway question led to the election of a strong anti-monopoly minority in the legislature of 1885-1886.¹¹⁰ The agitation of the question continued, and criticisms were heaped on the appointive commission system, which had supplanted the Granger statutory regulation. The Alliance was active and the anti-monopoly contagion was strong in the election campaigns of 1887, particularly in those for the legislature.¹¹¹ Other than agricultural interests were feeling aggrieved, and there was a demand that the railroads "must make a car-load rate to apply to all manufacturers and jobbers in Iowa, and to grain and stock in car lots, or get ready for such a fight as they have never had on the prairies between the Mississippi and Missouri rivers before."¹¹²

The Republican State platform this year contained a long plank supporting State regulation of railroads and favoring a stronger interstate commerce law. The legislature was asked to abolish free passes and to increase the efficiency of the commission law with a view to the reduction of freight charges and passenger fares. The platform also criticized railway discrimination between persons and between places. The Democratic party also advocated State control of railroads, and the election "resulted in an even more complete defeat of the railroad forces than had

¹⁰⁹ Testimony as to the important part played by Pierce in the campaign has been furnished the writer by Mr. Lafayette Young, Sr., of Des Moines, Mr. Dante Pierce, of Des Moines, and Professor F. I. Herriott, of Drake University. A general account of the contest is given in Briggs's *William Peters Hepburn*, pp. 131-139.

¹¹⁰ *The Iowa Homestead* (Des Moines), June 6, 1890.

¹¹¹ *Des Moines Leader*, July 5, August 16, September 2, 1887.

¹¹² *Iowa State Register* (Des Moines), April 24, 1887.

been generally anticipated."¹¹³ When the battle was over, farmers, chiefly Republicans, had forty-nine of the one hundred seats in the State House of Representatives.¹¹⁴

This legislature attacked the transportation problem under the leadership of Governor Larrabee, whose attitude, so different from his stand of earlier days, was pronounced a "bomb-shell among Republican monopolies"¹¹⁵ and caused the *Iowa State Register*, formerly a Larrabee supporter, to denounce him as an exponent of radicalism ordinarily expressed in Iowa by "irresponsible papers of the Weaver stripe".¹¹⁶ But in spite of a strong railroad lobby and much opposition from the press, an anti-monopoly Speaker of the House was chosen and a reform program started. The lawmakers were flooded with petitions circulated by the Iowa Farmers' Alliance¹¹⁷ and many of the rural weeklies advocated regulatory legislation. Proposals to abolish free passes and to reduce passenger rates to two cents per mile, however, were unsuccessful. The attempt to pass a bill for statutory regulation of maximum freight rates, strongly advocated by the *Iowa Homestead*, was also defeated. But a law was adopted in 1888 which has remained in effect to the present time. This provided for an elective commission with power to carry on extensive investigations, to make for each railroad in the State "a schedule of reasonable maximum rates" for freight and cars, to make freight classifications, and to prosecute for extortion. Commission rates were to be held *prima facie*

¹¹³ Larrabee's *The Railroad Question*, p. 339.

¹¹⁴ *Iowa Official Register*, 1888, pp. 60-67. The Republican majority in both houses was nearly two to one. Among the three independents in the house was A. B. Cummins, who had opposed prohibition and monopoly and run ahead of one of the regular Republicans in Polk County.

¹¹⁵ *Iowa Tribune* (Des Moines), January 18, 1888.

¹¹⁶ *Iowa State Register* (Des Moines), January 13, 1888.

¹¹⁷ *Des Moines Leader*, February 25, 1888.

reasonable before the courts. Freight pools were forbidden, and no preference was to be granted to shippers, localities, or kinds of traffic, aside from time priority to live stock.¹¹⁸ To subsequent sessions was left the task of dealing with joint rates, passes, and express companies.

In spite of obstructions and injunctions brought about by the railroads, the freight rates set up under the new system went into effect in February, 1889.¹¹⁹ These applied to local freight, which was estimated to be twenty per cent of the total freight business of the State. Railroad officials testified that the result was a reduction of about twenty-six per cent in local rates; yet Governor Larrabee said the new rates were not as low as the special rates that had been granted to favored shippers, "but were a fair average of the various rates in vogue at the time."¹²⁰ According to August Post and Henry Wallace, credit for the new régime was due chiefly to the Iowa Farmers' Alliance.¹²¹ Larrabee received praise from the Alliance, the Grange, and the Union Labor party and his appointees to the Railroad Commission were praised by these three organizations. The three appointees, including Peter A. Dey, a Democrat, were endorsed for election in 1888 by the Union Labor party platform and the Alliance. The State Grange, meeting after the election, referred with praise to the election of the two Republican commissioners and to "the noble, non-partisan action of at least ten thousand Republicans voting for and electing Mr. Dey . . . in a year of

¹¹⁸ *Laws of Iowa*, 1888, Chs. XXVIII and XXIX.

¹¹⁹ Larrabee's *The Railroad Question*, pp. 343, 344; *The Iowa Homestead* (Des Moines), May 18, 1888; *Annual Report of the Board of Railroad Commissioners of Iowa*, 1891, p. 9.

¹²⁰ Larrabee's *The Railroad Question*, p. 343; *Annual Report of the Board of Railroad Commissioners of Iowa*, 1891, p. 9; *Des Moines Leader*, February 22, 1888.

¹²¹ *Proceedings of the Iowa Farmers' Alliance*, 1890, pp. 10, 11, 37.

heated Presidential campaign."¹²² Iowa had acquired a reputation for radicalism in the East, had "done the most to arouse the head of the Vanderbilt system," and had apparently decreased Allison's chances for the presidential nomination.¹²³ But the State platforms of both major parties continued to support State control of railroads.

This reform legislature did not stop with railroad regulation. It adopted an anti-trust law against organizations or combinations for fixing "the price of oil, lumber, coal, grain, flour, provisions or any other commodity."¹²⁴ It struck at the "Bohemian oats" swindles and similar frauds with heavy penalties for such dealings in grain and seed at fictitious prices.¹²⁵ It provided that "Compound Lard" must be placed as a label on containers of any article for use as lard containing "any ingredient but the pure fat of healthy swine" and asked for a national law of similar tenor.¹²⁶ It added to the dairy legislation of the previous legislature. It restricted non-resident aliens in the right to acquire and hold real estate and urged an amendment to the national Constitution to prohibit non-resident alien ownership of land in all States or Territories.¹²⁷ In the

¹²² *Report of Proceedings of the Nineteenth Annual Session of the Iowa State Grange*, 1888, p. 9.

¹²³ *Western Rural* (Chicago, Illinois), July 28, 1888; *Annual Report of the Board of Railroad Commissioners of Iowa*, 1891, p. 31; Cole's *A History of the People of Iowa*, pp. 470, 471. Cole quotes from Hoar's *Autobiography of Seventy Years* to show that Chauncey M. Depew prevented W. B. Allison from getting the New York delegation's support in the Republican national convention. Prior to the convention the *New York Sun* had mentioned the question of Allison's sympathy or non-opposition toward the Larrabee railway regulation program.—*Des Moines Leader*, April 7, 1888.

¹²⁴ *Laws of Iowa*, 1888, Ch. 84.

¹²⁵ *Laws of Iowa*, 1888, Ch. 78. Regulation was also adopted with reference to paper secured by such schemes.

¹²⁶ *Laws of Iowa*, 1888, Ch. 79, and p. 239. The previous legislature had acted to regulate butter substitutes.

¹²⁷ *Laws of Iowa*, 1888, Ch. 85, and p. 238. The Republican and Democratic platforms had contained planks opposing non-resident alien ownership of land.

interest of labor it passed laws for greater safety in mines, prevention of payment of mine wages in scrip not receivable in cash at face value, and the prevention of blacklisting of discharged employees.¹²⁸ It increased legislation to punish officers for bribe taking and tried to improve the regulation of the sale of intoxicants for medicinal or chemical purposes, also increasing the restrictions on the manufacturing of liquor or beer.

This legislative work was praised and much credit claimed for it in Alliance circles, but the aggressive Alliance forces were still active with other demands for reform. The legal interest rate was reduced from ten to eight per cent by the legislature of 1890. At the same session the Alliance demand for a uniform text-book law was met by the provision for uniformity through district and county option.¹²⁹ The demand of the Alliance and Union Labor party that taxation be shifted from mortgaged property to the instruments of indebtedness was, however, defeated and the effort to secure the Australian ballot also failed at this session. The Alliance undertook to bring about changes for more emphasis on practical agricultural training at the Iowa State Agricultural College, appointing a committee which visited similar institutions in other States and met with the Board of Trustees to make recommendations.¹³⁰ The Farmers' Alliance demanded in 1890 that Larrabee be made United States Senator to supplant Allison.¹³¹

¹²⁸ *Laws of Iowa*, 1888, Chs. 55, 56, and 57.

¹²⁹ *Laws of Iowa*, 1890, Chs. 17, 24, and 40; *Proceedings of the Iowa Farmers' Alliance*, 1890, p. 37. Regulation of joint freight rates was also provided for at this time.

¹³⁰ For a discussion of this topic see *The Iowa Homestead* (Des Moines), April 17, 1891, March 18, 1892.

¹³¹ *Iowa Tribune* (Des Moines), January 22, 1890.

The Iowa Farmer's Alliance was taking a broader and bolder stand in the realm of national affairs. August Post, the State and the national secretary, went to Washington in 1890 to work for the Conger lard bill and the Butterworth anti-option bill. Other proposals favored by resolutions adopted at the annual State meeting in 1890 included the following: free coinage of silver; issue of all money by the government without the intervention of national banks; a deep water-way to the Gulf of Mexico; eventual government ownership of railway, telegraph, and telephone lines; and direct election of United States Senators.¹³² These proposals were strongly suggestive of the Union Labor or the Populist party. But the Alliance in Iowa had been paying more attention to major parties than to minor parties; and its leaders maintained a non-partisan attitude in politics. At the annual meeting in 1890, "the conviction that the non-partisan policy of the Alliance should be maintained at all hazards was supreme."¹³³

The *Iowa Homestead* vigorously urged the Alliance not to go into a third party, which would be the way of destruction; it insisted on the policy of the past. The *Iowa Tribune* charged the Republicans with trickery in opposing independent political action in Alliance branches;¹³⁴ and this paper was playing up all local tendencies in the Alliance toward third party action. The *Iowa State Register* accused the Democrats of trying to capture the Alliance from the inside but reminding them that the Republicans

¹³² *Proceedings of the Iowa Farmers' Alliance*, 1890; *Iowa Tribune* (Des Moines), December 17, 1890. The State Grange also adopted resolutions favoring government ownership of railroads and the exclusive government issue of money.

¹³³ *The Iowa Homestead* (Des Moines), November 7, 1890. The proceedings of the meeting also show emphasis on non-partisan politics.

¹³⁴ *Iowa Tribune* (Des Moines), November 5, 1890.

were on guard, though the Democrats "have to some extent succeeded."¹³⁵

Independency was rising, and the Democrats were gaining ground. In 1889 they elected as Governor Horace Boies, who had quit the Republican party largely as an opponent of prohibition but who also opposed the Republican tariff policy. He was a stronger candidate than the Republican nominee, and he polled heavy votes in the river towns where prohibition was disliked. At the same time the Democrats secured enough strength in the legislature to get the speakership through combination, deadlock, and compromise, while the Republicans got a majority of the committees and sent Allison back to the United States Senate.¹³⁶ Division stood in the way of the abolition of prohibition, but additional anti-monopoly legislation was enacted.

Governor Boies took up the cudgel for tariff reduction, asserting that the protective policy was checking the foreign demand for American agricultural products and keeping down the price of grain. Using figures collected from farmers by the Commissioner of Labor Statistics, J. R. Sovereign, he advertised in an anti-tariff speech at a Reform Club banquet in New York City in 1890 the statement that corn in Iowa was being produced at a loss of sixty-seven cents per acre and, furthermore, that agriculture must be put on a different basis or the nation must prepare for a storm. He was matching his predecessor's ability to start a controversy. He was stabbing the interests of the State to the heart or he was representing "the ideas which have created the Farmers' Alliance and every other farmers' organization".¹³⁷ The McKinley Bill intensified the

¹³⁵ *Iowa State Register* (Des Moines), April 5, August 10, 1890.

¹³⁶ *Appleton's Annual Cyclopaedia*, 1890, pp. 445, 446.

¹³⁷ *Davenport Democrat*, January 25, February 3, 1891; *Clinton Weekly Age*,

tariff battle, with not all the Republican papers following the *Iowa State Register* in championing the home market argument for protection.¹³⁸ Boies, the only Democratic Governor in Iowa since the Civil War, was reelected in 1891.¹³⁹

Alliance elements and officials also took an interest in the congressional contests. Candidates were interrogated. J. A. T. Hull, the Republican nominee in the seventh district, for instance, responded with sympathy for the Alliance stand on money, election of United States Senators, and the secret ballot.¹⁴⁰ In the seventh, eighth, and tenth districts Alliance groups joined or arranged conventions that named or endorsed the Democratic nominees.¹⁴¹ In the eleventh district, consisting of northwestern counties, there was a separate Farmers' Alliance candidate, A. J. Westfall, who later became a leading Populist. Campaigns were made under the Union Labor party label in the sixth and ninth districts. These Democratic or third party candidates were all endorsed by the *Iowa Tribune*, and all of them were defeated. Westfall was three thousand ahead of the Union Labor party candidates, but his 4658 votes were less than one-third of the number cast either for the Democrat or the successful Republican in his district. Nevertheless, while the Republican State ticket was elected by small pluralities in this election of 1890, the Republican strength in the congressional delegation was reduced from

January 23, 1891, quoting the *Des Moines Leader*; *Sanborn Pioneer*, February 26, 1891, quoting the *Lincoln Journal*.

¹³⁸ *Clinton Weekly Age*, May 27 and September 5, 1890, quoting Republican papers, including the *Keokuk Gate City*.

¹³⁹ A. B. Cummins voted for Horace Boies for Governor for the second term. — *Davenport Democrat*, June 16, 1896.

¹⁴⁰ Hull to J. M. Wells, president of the Story County Farmers' Alliance, August 12, 1890. — *Iowa Tribune* (Des Moines), September 17, 1890.

¹⁴¹ *Iowa Tribune* (Des Moines), July 30, August 13, 20, 27, 1890.

ten to five in a total of eleven.¹⁴² "Only two of the tools of Wall street", said the *Iowa Tribune*, were returned to Congress from Iowa, "Dolliver and Flick".¹⁴³ The Democratic majority in Congress included two "radical free silver men."¹⁴⁴

Such was the situation on the eve of the launching of the Populist party in Iowa. Through ticket-splitting and through the prohibition issue, the Democratic and Republican parties were nearly balanced, as had been the Republican party and the temporary Anti-Monopoly party in 1873 and 1874. The farmers had risen in their wrath, as in the Granger days, and secured legislation for themselves, administering a rebuke particularly to the railroads. These results were secured less through the agency or the fear of third parties than through activities within the major parties. The Iowa Farmers' Alliance was a large factor in these achievements. But the Alliance, which had exerted its chief influence in the realm of politics, was growing rapidly and meeting difficulty in maintaining its announced policy of "non-partisanship". Divergent tendencies, including some characterized as radical, were becoming more evident in the organization, especially in the western part of the State. The Union Labor party, a new departure from the Greenback party, had achieved less strength than its predecessor and was itself being shaped for another new departure, the Populist party. To what extent would the Populist party receive support from Iowa farmers and the Iowa Farmers' Alliance? This was a question of great concern to the leaders.

¹⁴² *Appleton's Annual Cyclopaedia*, 1890, pp. 448, 449. Ex-Governor Gear was one of the Republicans defeated for reelection to Congress. He was criticized as being friendly to the railroads.

¹⁴³ *Iowa Tribune* (Des Moines), November 12, 1890.

¹⁴⁴ Cole's *A History of the People of Iowa*, p. 480.

RIVAL ALLIANCES AND THE PEOPLE'S PARTY

The formation of the Populist, or People's, party in Iowa was preceded and accompanied by the establishment of other agrarian and reform organizations, which were more closely identified with third party politics than was the Iowa Farmers' Alliance. In the South "embattled farmers" had organized spontaneously and independently, forming alliances in Texas, unions in Louisiana, and wheels in Arkansas. These drew together and were consolidated in 1889 under the name of National Farmers' Alliance and Industrial Union. In a convention at St. Louis in December, 1889, the organization affiliated with the Knights of Labor and sent friendly greetings to the Greenback party. It adopted a declaration of principles demanding the abolition of national banks, the issue of more legal tender notes by the government, the free coinage of silver, the prohibition of dealing in futures, revision of taxation, government ownership of railroads, and laws against alien ownership of land. A separate resolution favored the sub-treasury scheme, by which the government was to maintain county warehouses where agricultural products might be stored and legal tender certificates received for as much as eighty per cent of the value. Permanent headquarters were established at Washington, D. C., and provision was made for a convention at Ocala, Florida, the following year. Thus was started a series of conventions that, in spite of friction and bolting, led directly to the formation of the national People's party.¹⁴⁵

The National Farmers' Alliance held a convention at St. Louis at the same time. It duplicated many of the demands of the other organization but did not accept the sub-

¹⁴⁵ Appleton's *Annual Cyclopaedia*, 1890, pp. 299-301; Arnett's *The Populist Movement in Georgia*, pp. 83, 84, 122-134; Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, pp. 231-233.

treasury scheme. Representatives from the Texas Alliance had attended a previous meeting of the older national Alliance at Des Moines with the view of securing a union of the Northern and Southern forces, and a joint committee on the question was appointed at St. Louis. But no union was secured: the two national organizations remained separate with unofficial designations as Southern Alliance and Northern, or Northwestern, Alliance, a situation which was not favorable to the solidarity of the People's party.

The Northern Alliance was loosely organized, without compulsory secret features, and could not accept the rigid scheme of consolidation demanded by the oath-bound Southern Alliance. The question of the membership of colored persons was another difficulty in the way of union, surmountable, however, through the means of the Colored Farmers' Alliance. The Northern Alliance was also unwilling to accept and champion the sub-treasury scheme.¹⁴⁶ It was older as a national body and less militant than the Southern Alliance. The Kansas, North Dakota, and South Dakota organizations deserted from the older to the newer Alliance at the St. Louis meeting, increasing the geographical inaccuracy of the term "Southern Alliance".¹⁴⁷ The president of the Kansas State Alliance became vice president of the Southern Alliance and a Populist candidate for Congress. In 1890 Kansas contained one hundred thousand of the million members of the Southern Alliance.¹⁴⁸

¹⁴⁶ *Iowa Tribune* (Des Moines), January 16, 1889; *The Iowa Homestead* (Des Moines), July 18, 1890; *National Economist* (Washington, D. C.), Vol. II, p. 196; Ashby's *The Riddle of the Sphinx*, pp. 407-419; Arnett's *The Populist Movement in Georgia*, p. 83.

¹⁴⁷ Drew's *The Present Farmers' Movement in the Political Science Quarterly*, Vol. VI, pp. 285, 286; Morgan's *History of the Wheel and Alliance and the Impending Revolution*, pp. 113-134. The Colorado Alliance also secured a Southern Alliance charter.

¹⁴⁸ *Appleton's Annual Cyclopaedia*, 1890, p. 301; Morgan's *History of the Wheel and Alliance and the Impending Revolution*, pp. 289, 290.

The Iowa Farmers' Alliance, as pointed out in the preceding section, was facing difficulty in trying to keep all its membership united on the policy of non-partisan politics. In the election campaigns of 1890 tendencies toward separate political action were manifested, particularly in the western parts of the State. This furnished part of the discussion at a lively State meeting of six hundred delegates at Des Moines in October of that year.¹⁴⁹ At this meeting, H. H. Haaf of Chicago, upon request to give his views on the Southern Alliance, "cautioned the farmers of Iowa to beware of that organization, whose agents were at work in this convention", suggesting that the Texas men go home and put their own State in order.¹⁵⁰

An economic basis for cleavage was indicated by Henry Wallace's statement at this meeting that the Conger lard bill was opposed by western ranchmen who wanted high prices for stearine and by southern farmers and the Southern Alliance because of interest in cotton-seed oil. The bill was endorsed by a resolution with the assertion that "the fraud practiced on the farmers of Iowa by the unholy combination of Chicago pork packers, western ranchmen, southern planters and the cotton seed oil trust has greatly decreased the price of hogs."¹⁵¹ The sub-treasury scheme, however, was not designed particularly to appeal to the live stock farmers and dairymen of Iowa. And J. B. Furrow, president of the Iowa Alliance, was not interested in any impending revolution; in the midst of agricultural disappointment he knew of no better advice than the suggestion "to hang to the willows."¹⁵²

¹⁴⁹ *Iowa Tribune* (Des Moines), November 5, 1890.

¹⁵⁰ *Proceedings of the Iowa Farmers' Alliance*, October 29-31, 1890, p. 29.

¹⁵¹ *Proceedings of the Iowa Farmers' Alliance*, October 29-31, 1890, p. 33; *The Iowa Homestead* (Des Moines), November 7, 1890.

¹⁵² *The Iowa Homestead* (Des Moines), November 7, 1890.

At the annual meeting of the National Farmers' Alliance at Omaha, in January, 1891, which was actively participated in by Iowa members and leaders, one element desired the nomination of a third party ticket for President in 1892. The matter was referred to a committee, which reported a resolution to do so if five million farmers would first sign a petition pledging support to such a ticket. The Ocala platform, recently adopted by the Southern Alliance, was discussed and tabled; but resolutions were adopted in favor of free silver coinage, government issue of money to the extent of fifty dollars per capita, government loans to individuals on real estate, woman suffrage, and the direct election of the President and United States Senators. August Post, secretary of the Iowa Alliance and an advocate of non-partisanship, was reelected secretary of the national organization, with the issue of separate political action left to consideration by the next annual meeting.¹⁵³ The third party idea was further considered at a Sioux City conference called for February 25, 1891, by A. J. Westfall, president of the eleventh district of the Iowa Farmers' Alliance, and attended by leaders from adjacent States.¹⁵⁴

It was observed that subordinate alliances were becoming unusually active in Iowa. There were indications that farmers intended to organize for separate political action in the autumn of 1891, that there was discontent with the national bank system, and that it was "foolhardy to disregard the rising storm."¹⁵⁵ Much of this general comment, however, failed to discriminate between Iowa and

¹⁵³ *Iowa Tribune* (Des Moines), February 4, 1891; *The Iowa Homestead* (Des Moines), February 6, 13, 1891.

¹⁵⁴ *Iowa Tribune* (Des Moines), February 11, 1891; Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 312.

¹⁵⁵ *Iowa Tribune* (Des Moines), December 24, 1890, quoting the *Iowa State Register*; *Clinton Weekly Age*, December 12, 1890, February 3, 6, 1891; *Davenport Democrat*, January 28, 1891.

the wider zone of agrarian unrest. General reference to the Farmers' Alliance movement in Iowa was also becoming confusing since the Southern Alliance was invading the State to compete with the Northern Alliance. George B. Lang, who had been a school teacher and member of the Alliance in Kansas, was commissioned organizer of the Southern Alliance in Iowa, later becoming State secretary of that organization and one of the group who called the first State convention of the People's party. He organized a Wayne County alliance in December, 1890, and followed with a similar organization in the adjacent county of Lucas.

A call was issued by Colonel L. L. Polk of North Carolina, president of the National Farmers' Alliance and Industrial Union, for a meeting at Creston in March, 1891, to start an Iowa State organization. He came to Iowa in connection with the work, which was encouraged by the Weaver-Gillette paper.¹⁵⁶ The southwestern town of Creston furnished the State president, J. M. Joseph, who became the Populist nominee for Governor in 1892 and was referred to as "a graduate of Harvard College, a practical farmer, a good citizen and a man of high character."¹⁵⁷ The first vice president was Daniel Campbell, who had been a pioneer Greenbacker in the western county of Monona and had been the nominee for Governor in 1879 on the ticket which polled the greatest vote ever cast for a third party ticket in Iowa.

At the same time there was a movement — noticeably in the western sections of the State — toward forming branches of the National Citizens' Alliance, which, like the

¹⁵⁶ Dunning's *The Farmers' Alliance History and Agricultural Digest*, p. 241; *Iowa Tribune* (Des Moines), December 31, 1890, March 4, 1891, January 27, 1892.

¹⁵⁷ *Dubuque Telegraph*, quoted by the *Farmer's Tribune*, October 4, 1893.

Southern Alliance, had headquarters at Washington, D. C. This was a system of political clubs to reach people in cities and towns in the interest of the third party idea.¹⁵⁸ Branches were started at such places as Creston, Albia, and Council Bluffs. One of the organizers was L. H. Griffith, of Atlantic, who was also State lecturer for the Southern Alliance, the farmers' organization. Other organizers were J. R. Sovereign and L. H. Weller, the latter also becoming a district organizer of the Iowa Farmers' Alliance.¹⁵⁹ Sovereign, as State master workman of the Knights of Labor, had earlier revoked Weller's commission as an organizer of that body, writing him, "You seem to want to run the reform movement on the presumption that every body is a rascal but yourself."¹⁶⁰ As if to confound the confusion, there was established at Des Moines an assembly of the National Citizens' Industrial Alliance, said to be similar to the National Citizens' Alliance.¹⁶¹ A State reform press association was also being organized under the leadership of the *Iowa Tribune*. It was to include the supporters of the demands adopted by the Southern Alliance at St. Louis in 1889, thus becoming allied with the National Reform Press Association, the president of which was C. W. McCune, a Washington official of the Southern Alliance.¹⁶²

While the Populist party was getting under way rivalry

¹⁵⁸ Letter from Ralph Beaumont, national secretary of the National Citizens' Alliance, to L. H. Weller, February 9, 1891, in the *L. H. Weller Papers* (Wisconsin Historical Society).

¹⁵⁹ Letter from W. N. Sargent to L. H. Weller, April 16, 1891, in the *L. H. Weller Papers* (Wisconsin Historical Society).

¹⁶⁰ Letter from J. R. Sovereign to L. H. Weller, October 15, 1889, in the *L. H. Weller Papers* (Wisconsin Historical Society).

¹⁶¹ *Iowa Tribune* (Des Moines), March 4, 1891.

¹⁶² *Iowa Tribune* (Des Moines), December 31, 1890; *Iowa Farmer's Tribune* (Des Moines), May 4, 1892.

and friction were developing between the Northern and the Southern Alliance in Iowa. H. L. Loucks, of South Dakota, a national officer who shifted to the newer Alliance, wrote Weller lamenting the backwardness of the older Iowa organization, for which he blamed the *Iowa Homestead*, and suggested that Weller would find the Southern Alliance "more aggressive politically in Iowa" than the other.¹⁶³ The State lecturer of the Northern Alliance complained that the "F A & I U are representing they are the same, identical, with us, and are trying by deception to absorb us but they are making slow progress."¹⁶⁴ A third party worker was worried because the two Alliances in Iowa "are about locking horns and the result for the immediate future certainly seems to me to be deplorable."¹⁶⁵ Duplications of membership were reported in the western counties, where there was an interest both in coöperative merchandising and in independent political action.¹⁶⁶ Under the leadership of A. J. Westfall, who affiliated with both Alliances, the eleventh district organization of the Northern Alliance rebelled from the Iowa policy of non-partisanship; the State officers, Furrow and Post, were denounced as "Emperor" and "Czar".¹⁶⁷

The Iowa Farmers' Alliance (Northern) was incorporated during 1891, with Des Moines as permanent headquarters. By this act the place of the annual meeting for

¹⁶³ Letter from H. L. Loucks to L. H. Weller, April 27, 1891, in the *L. H. Weller Papers* (Wisconsin Historical Society).

¹⁶⁴ Letter from W. N. Sargent to L. H. Weller, April 30, 1891, in the *L. H. Weller Papers* (Wisconsin Historical Society).

¹⁶⁵ Letter from J. Shearer, editor of the *Iowa Alliance Program*, Red Oak, to L. H. Weller, April 29, 1891, in the *L. H. Weller Papers* (Wisconsin Historical Society).

¹⁶⁶ *Iowa Farmer's Tribune* (Des Moines), January 13, 1892.

¹⁶⁷ *The Iowa Homestead* (Des Moines), September 25, 1891, quoting *Liberty Bell*; Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 318.

the year was changed to Des Moines from Sioux City, in the eleventh district, the place previously chosen.¹⁶⁸ The two rival organizations met at Des Moines in October, 1891, and considered consolidation. Southern Alliance leaders urged consolidation, and a conference committee on the subject was named. The older body was divided on affiliation and on the issue of political action outside of the major parties, but, against the protest of Weller, it rejected the report on consolidation, basing its rejection on the ground of constitutionality. The faction opposed to third party tactics also won the victory in the election of officers in the Northern Alliance. To this faction it seemed that the Farmers' Mutual Benefit Association and the Grange showed a cordial attitude toward the Iowa Farmers' Alliance, while the Southern Alliance was antagonistic.

State Secretary Post reported heavy losses of membership, including entire local alliances, through non-payment of dues and through local and factional quarrels. Yet he reported a net gain of 8475 in the regular membership, with county organizations extended to eighty of the ninety-nine counties.¹⁶⁹ It was reported that over sixty attending the Northern Alliance were initiated into the Southern Alliance before leaving Des Moines and that locals in western counties surrendered charters to Post and united with the other organization.¹⁷⁰ The F A & I U, or Southern Alliance, however, was claiming only 460 locals, distributed in thirty-four counties, in February, 1892, while the other Alliance was claiming about 2400 locals.¹⁷¹

¹⁶⁸ *The Iowa Homestead* (Des Moines), September 25, 1891.

¹⁶⁹ *The Iowa Homestead* (Des Moines), October 23, November 6, 1891; *Iowa Tribune* (Des Moines), October 21, 1891; *Western Rural* (Chicago, Illinois), October 31, 1891.

¹⁷⁰ *Iowa Tribune* (Des Moines), October 21, 1891; *Iowa Farmer's Tribune* (Des Moines), February 3, 10, 1892.

¹⁷¹ *Iowa Farmer's Tribune* (Des Moines), February 3, 1892.

The *Iowa Tribune* resented the use of the term, "Southern Alliance", for the Farmers' Alliance and Industrial Union, which it praised as an agency working to obliterate the Mason and Dixon line. But criticism and use of the label, "Southern", were abundant. The *Iowa State Register* emphasized the difference between the two Farmers' Alliances and praised the non-partisan policy of the Northern Alliance; the other was a "Kansas Southern Farmers' Alliance", or it was "the old unregenerated south in a new form and under a new name."¹⁷² The *Iowa Homestead*, though questioning the sincerity of the *Register's* support of the Northern Alliance, or "kissing the granger's toe", had much to say on its own account concerning the Southern Alliance. The latter, said the *Homestead*, was not suited to the interests of Iowa; it had by national action opposed the Conger lard bill; it had for prime motive "the formation of a gigantic Cotton trust"; it was directed chiefly by Southern leaders; it was secret, with extensive governmental machinery and third party leanings; it was making false attacks on August Post of the Northern Alliance; and a "certain small section of the Iowa Alliance . . . agitators for mere agitation's sake . . . has become active in promoting the extension of the Southern Alliance in Iowa."¹⁷³

The *Iowa Homestead* and the *Iowa Tribune* were playing important but different rôles in the agrarian crusade. The latter, which became the *Iowa Farmer's Tribune* and later

¹⁷² *Iowa State Register* (Des Moines), August 13, 1890; *Iowa Tribune* (Des Moines), April 15, November 18, 1891, quoting the *Iowa State Register*.

¹⁷³ *The Iowa Homestead* (Des Moines), June 27, 1890, January 9, 23, April 10, 1891. The *Iowa Homestead* denounced the National Union Company, of Chicago, as the "other self" of the twine trust trying to get control of the Alliance stores; but this company was endorsed by the State branch of the Southern Alliance.—*The Iowa Homestead* (Des Moines), March 18, 1892; *Iowa Tribune* (Des Moines), April 20, 1892.

used the briefer name, *Farmer's Tribune*, had been in the hands of Weaver and Gillette since the early eighties. With Weaver at the head of the editorial staff it absorbed at the end of 1891 four other papers, including the *Liberty Bell* of Sioux City, which the *Homestead* berated as "hanging on to the ragged edge of the reform movement in Iowa." With this consolidation it claimed a circulation of 11,520.¹⁷⁴ Having been a Greenback organ, it became the official State spokesman of the Southern Alliance and endorsed "that political organization which supports the Alliance principles and *no* others." The *Tribune* saw at least three great economic evils—the monopolization of land, money, and transportation. All money and more money should be issued by the government, for lack of money was the great cause of depression and indebtedness. The tariff battle was a sham to "help the thieves to divide their plunder."

The theory of over-production was the chief of the "insulting fallacies . . . forced upon a suffering and hungry world." There was a cruel system of finance and distribution that permitted the growth of the "MORTGAGE cow", an animal "with her hind feet in New York City and her forward feet in the Mississippi Valley. Nearly all the farmers of the West help to feed her while all her milk and cream and butter go to a favored few in the East. She is a thoroughbred and was imported from England when a calf." The scope of this paper's attention extended beyond the immediate limits or interests of Iowa. Its ambition was to unite the reform forces of the nation and to establish an influence from ocean to ocean.¹⁷⁵

¹⁷⁴ *Iowa Tribune* (Des Moines), December 2, 1891; *The Iowa Homestead* (Des Moines), September 25, 1891.

¹⁷⁵ The *Tribune* quotations of this paragraph are from the issues of December 7, 1887, June 19, 1889, April 16, 1890, March 23, 1892.

The *Iowa Homestead* had been in the hands of J. M. Pierce as chief owner since 1885, with Henry Wallace as editor, till friction between him and Pierce developed into a split in 1894. It had a circulation estimated at 15,000 about 1890.¹⁷⁶ Though it supported the Northern Alliance it was "not the Alliance organ. It believes in Alliance principles and therefore advocates them." It opposed throwing the Alliance into a third party, maintaining that the northern farmers could not be led into such a movement. It emphasized the influence exerted by the Alliance through the major parties, particularly in 1887-1888. The Iowa method of Alliance political activity was better than the Kansas third party method, for "the public policy of the Iowa Alliance has become the accepted policy of the state."

Though considering the disuse of silver as a monetary evil, the *Homestead* opposed the sub-treasury scheme of the Southern Alliance and asserted that the adoption of the system of direct government loans to farmers "would be the worst calamity that ever befell the agricultural interests." It denied that currency contraction was as great as third parties claimed, observing in 1890 that "contraction was the effect, not the cause" of panics, which resulted from over-speculation. It maintained that many of the estimates of farm indebtedness were exaggerated and that much of the indebtedness was constructive rather than indicative of distress. It explained agricultural depression as due only in part to extortionate freight rates, unfair taxation, and trusts or combinations; "the *Homestead* has long held that the chief factor is over-production." A rapid increase in agricultural production had been brought about largely by the homestead land policy, the extension of railways, and the use of improved farm machinery.

¹⁷⁶ Information from Mr. Dante Pierce, of Des Moines, April, 1924.

Hence the *Homestead* was concerned more with immediate reforms in its own section than with any national upheaval. It was conservative in comparison with the *Tribune*.¹⁷⁷

Under such encouragement and discouragement the People's party in Iowa was launched. Weaver, Gillette — chairman of the State committee of the Union Labor party — A. R. Anderson, Daniel Campbell, and W. H. Robb, of Creston — member of the national committee of the Union Labor party — participated in the public call for the Cincinnati conference, which met in May, 1891, and adopted a resolution for the founding of the "People's Party of the United States." The Iowa delegation to this conference adopted a resolution favoring a State ticket.¹⁷⁸ A printed circular, with "confidential" written on it, dated April 20, 1891, was sent out bearing a statement over seven names headed by A. J. Westfall. It made the following announcement: "The period has at last arrived when the friends of industrial reform in Iowa, should associate themselves for independent political action We think that an early state convention should be called. Representative men of the National Farmer's Alliance, Farmer's Alliance and Industrial union, Farmer's Mutual Benefit Association, State Grange, Knights of Labor, Citizens Alliance, Federation of Labor, Trades Assembly, United Mine Workers and all industrial organizations of the state will be invited to participate, not as representing organizations but as individuals."¹⁷⁹

To the public call for a "People's Independent State convention" to be held at Des Moines on June 3, 1891, was

¹⁷⁷ The *Iowa Homestead* quotations of this paragraph are from the issues of June 20, August 22, December 26, 1890, March 20, 1891.

¹⁷⁸ *Iowa Tribune* (Des Moines), February 11, May 20, 1891; Arnett's *The Populist Movement in Georgia*, pp. 127, 128. J. B. Weaver, A. J. Westfall, and M. L. Wheat became members of the national committee of the People's party.

¹⁷⁹ Copy in the *L. H. Weller Papers* (Wisconsin Historical Society).

attached a long list of names, including those of A. J. Westfall, J. Shearer, G. B. Lang, M. L. Wheat, national lecturer of the Knights of Labor, and J. Bellangee, a single tax advocate. Ten delegates per county were to be elected by mass conventions.¹⁸⁰ The convention was held as scheduled, with the walls proclaiming such mottoes as, "Our plutocracy must be downed or crowned", and "The country is Shermanized, open the money prison and let the eagles fly." Delegates from sixty counties were present. Former Greenbackers were active in the work of the convention, J. B. Weaver, W. H. Robb, and Daniel Campbell serving on committees. Western counties led in responding to the call for pledges to meet expenses. The oratory included speeches by Congressman John G. Otis of Kansas and ex-Senator Charles H. Van Wyck of Nebraska. For Governor the nominee was A. J. Westfall, who had been an independent Farmers' Alliance candidate for Congress the previous year in the eleventh district. For Lieutenant Governor the convention chose Walter S. Scott, president of the Iowa branch of the United Mine Workers of America.¹⁸¹

The platform ratified the work and the platform of the recent Cincinnati conference. It viewed with alarm the protection of "a moneyed oligarchy" by a "vicious system of class legislation." It matched the ticket in recognition of the Iowa miners, pledging them support in the struggle for the eight-hour day, the abolition of the truck store system, the establishment of a weekly pay system, and other legislation. It demanded an increase in the tax assessments of railroads, "the two-cent fare", the taxation of mortgages, the uniform school book system for the State, the

¹⁸⁰ *Iowa Tribune* (Des Moines), May 6, 1891.

¹⁸¹ *Iowa Tribune* (Des Moines), June 10, 1891; Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, pp. 314, 315.

Australian ballot, and a legislative investigation of private corporations with a view to their ultimate suppression. It denounced the legislature for defeating mining and agrarian legislation. It avoided commitment on the prohibition issue, censuring the Democratic and Republican parties for their "constant effort to re-open the temperance question in this State, to the exclusion of grave economic questions."¹⁸²

In the strenuous campaigning of this year the People's party met with no little ridicule from the press. "Our friends of the alliance", said one paper, "will put forth a tremendous effort to make an impression on Iowa politics this fall; Kansas third party orators will be brought across the Big Muddy in shoals and turned loose to board round among the farm houses on the Iowa prairies."¹⁸³ It met a handicap in the fact that the Iowa Farmers' Alliance again used the policy of interrogating legislative candidates through circularizing its locals, emphasizing a few reforms, and disregarding separate political action.¹⁸⁴ Even the Southern Alliance in Iowa was not a hundred per cent for the third party idea.¹⁸⁵ The *Perry Press* had fears lest Alliance men would not support the party of their reforms and expressed surprise that "an Alliance man will say that he is in full sympathy with the reforms and then support a party which has not one word to say for those reforms."¹⁸⁶

Another third party editor had noted the lukewarmness of the Union Labor party men toward "the present Inde-

¹⁸² *Iowa Official Register*, 1892, pp. 170-172.

¹⁸³ *The Saturday Evening Post* (Burlington), June 13, 1891.

¹⁸⁴ *Iowa Tribune* (Des Moines), September 2, 1891; *The Iowa Homestead* (Des Moines), October 2, 1891.

¹⁸⁵ *The Iowa Homestead* (Des Moines), June 12, 1891, with news of the action of a Southern Alliance local in Union County.

¹⁸⁶ Quoted by the *Iowa Tribune* (Des Moines), September 23, 1891.

pendent movement.”¹⁸⁷ Moreover, the election turned largely on local issues, of which the liquor question was by far the most prominent. While the Populists wanted to shift attention from the liquor problem to “grave economic questions”, the Democrats stood for the licensing of saloons, and the Republicans declared for a continuation of the prohibition law, though with some division. Aside from this issue, the Democratic platform showed stronger leanings than the Republican toward agrarian demands: it opposed alien ownership of land, denounced trusts, favored railway control, free coinage of silver, the Australian ballot, and the direct election of United States Senators.¹⁸⁸ Yet there was Democratic opposition to “passing laws to harrass and embarrass the railroads”.¹⁸⁹ Governor Boies, Democratic candidate for reëlection, emphasized the tariff and prohibition issues.

The entire Democratic ticket was elected, Boies running more than eight thousand votes ahead of Wheeler, his Republican opponent. Westfall, running several hundred behind the rest of the Populist ticket, received 12,303 of the 420,212 votes cast for Governor. He received more than five hundred votes in only four counties in the extreme western tier, polling a slight plurality in Monona County. The *Iowa Tribune* overlooked the prohibition issue and pronounced the election “A RAILROAD VICTORY”. The Populists secured one State Senator and one Representative in the legislature.¹⁹⁰

¹⁸⁷ J. Shearer in the *Iowa Tribune* (Des Moines), May 20, 1891.

¹⁸⁸ *Appleton's Annual Cyclopaedia*, 1891, p. 384; *Iowa Official Register*, 1892, pp. 162-170.

¹⁸⁹ *Clinton Weekly Age*, February 13, 17, March 3, 1891.

¹⁹⁰ *Appleton's Annual Cyclopaedia*, 1891, p. 384; *Iowa Official Register*, 1892, pp. 178-233; *Iowa Tribune* (Des Moines), November 4, 18, 1891. The *Tribune* claimed that railway interests had brought about Democratic support through railway employees' clubs. *The Iowa Homestead*, *The Saturday Evening*

Immediately the Iowa Populists faced the future. The campaign of 1892 was opened at the courthouse in Des Moines on the election night of 1891. Among the speakers on this occasion were Mrs. Mary Lease, of Kansas, and Hamlin Garland, of Boston.¹⁹¹ "The issue of '92", said the Weaver paper, "is 'Shall money or the people rule?' " The battle song would be:

Bring out the good old ballot, boys,
We'll right our every wrong.¹⁹²

Southern Alliance organization was pushed in the State as a party recruiting agency; J. F. Willits, of Kansas, national lecturer of the Southern Alliance, spent time in Iowa working for it and for the People's party.¹⁹³ J. M. Joseph, F. F. Roe, and J. B. Weaver became delegates to the national council of the Southern Alliance at Indianapolis in November, 1891, and Weaver also attended reform conferences at Chicago and St. Louis the following January and February, thus participating in the immediate preliminaries of the nominating convention at Omaha.¹⁹⁴

Iowa was not represented in the "Alliance wedge" in Congress; but, nevertheless, General Weaver was busy presenting the cause of reform. In March of 1892 he published an article, *The Threefold Contention of Industry*, in the *Arena*, the Boston monthly which the *Iowa State Register* said "has become an arena in which howling cranks and demagogues of the Henry George, Hamlin Garland and Jumping Jim Weaver grades disport themselves and in-

Post (Burlington), and other papers discussed activities of railway companies through employees to check further railway legislation.

¹⁹¹ *Iowa Tribune* (Des Moines), November 4, 1891.

¹⁹² *Iowa Farmer's Tribune* (Des Moines), January 27, 1892.

¹⁹³ *Iowa Farmer's Tribune* (Des Moines), July 27, September 7, 1892.

¹⁹⁴ *Iowa Tribune* (Des Moines), November 18, 25, 1891; *Iowa Farmer's Tribune* (Des Moines), February 3, April 20, 1892.

veigle [sic] against honest government.”¹⁹⁵ The article dealt with the “triple issue” of land, money, and transportation and criticized the “gigantic money trust”, the land speculators, and the “kings of rail”. About the same time Weaver published at Des Moines a book under the title, *A Call to Action*, of which the *Review of Reviews* said: “It contains a series of powerful essays upon the political and economic conditions of the United States based upon recent history. . . . only a very stupid or very ungenerous opponent would think of denying the cumulative force and the great vigor and ability shown in this work.”¹⁹⁶ In addition to the triple economic issue, the author also pointed to political evils and advocated the direct election of United States Senators, the removal of committee appointments from the control of the Speaker of the House, the holding of courts to “their proper sphere as interpreters of the law”, since it was not intended that they should “blossom into law makers.”

The State convention for the election of delegates to the Omaha convention was called at Des Moines for June 7th. The *Des Moines Leader*, the leading Democratic paper of the city, referred to it as “a convention of farmers and laboring men. . . . There were about 300 of them, the largest convention ever held by a third party in Iowa. They were calamity howlers and glad of it, because they believe they have grievances that should be remedied.”¹⁹⁷ The *Iowa State Register* said, “‘Calamity Jim’ Weaver’s new party held their state convention in this city yesterday. The People’s party is supposed to be a brand new party,

¹⁹⁵ *The Arena*, Vol. V, pp. 427-435; *Iowa State Register* (Des Moines), April 8, 1892.

¹⁹⁶ *The American Review of Reviews*, Vol. V, p. 499.

¹⁹⁷ *Iowa Farmer’s Tribune* (Des Moines), June 8, 1892, quoting the *Des Moines Leader*.

but the delegates were the same little crowd of fellows who have been meeting in this state for the last quarter of a century, every year with a new name." Among the perennial "fellows" were cited Weaver, Gillette, Bellangee, and Westfall.¹⁹⁸ The convention adopted a platform including the current Populist demands concerning money, land, transportation, postal savings banks, and the graduated income tax proposal. A resolution condemned nine Iowa congressmen as violators of free silver pledges.

W. H. Robb became the chairman of the delegation chosen to go to Omaha, and M. L. Wheat, Knights of Labor leader, was selected to present Weaver's name to the national convention. The delegation had instructions to oppose fusion.¹⁹⁹ A full State ticket, headed by Gillette for Secretary of State, with candidates for presidential electors, was named at a subsequent convention held in August. The candidates for electors at large were J. M. Joseph and Judge C. C. Cole, of Des Moines, an important recruit from the Republican party. As candidate for Congress in the seventh district the People's party had E. A. Ott, a minister and a professor at Drake University. Predominant attention was given to national issues.

The Omaha convention, which nominated Weaver for President, was pronounced by the editor of the *Des Moines Leader* "one of the most notable conventions ever held". It included "all shades of reform thought — Greenbackers, Allianceists, Knights of Labor, trades Unionists, single-taxers, nationalists, socialists and individualists . . . pervaded by a spirit of harmony and unity of purpose that are surprising." The platform was cheered nearly half an

¹⁹⁸ *Iowa Farmer's Tribune* (Des Moines), June 8, 1892, quoting the *Iowa State Register*.

¹⁹⁹ *Appleton's Annual Cyclopaedia*, 1892, p. 359; *Iowa Farmer's Tribune* (Des Moines), June 8, 1892.

hour.²⁰⁰ James B. Weaver was nominated for President by an overwhelming majority of the convention vote after a definite refusal to accept the nomination had been received from Judge Walter Q. Gresham. Senator J. H. Kyle, of South Dakota, was the candidate of the "new bloods" for the nomination. Weaver's running mate was General James G. Field, of Virginia.²⁰¹

Mr. Weaver, said the *Review of Reviews*, "has belonged to the group of third-party 'come-outers' for so many years that his name is not one to conjure with in either of the old camps." The same organ added in a tone of sympathy that Weaver did not meet the Populist party needs, which were for "a great practical statesman . . . able to set reforms in the right order of succession" and to focus attention on "essential and practical tenets."²⁰² Yet Weaver was no poor leader. An Iowa congressman said in 1892 that Weaver was "responsible in a larger degree than any man living for the growth and present status of the third party move" and that he had a "mind bubbling over with knowledge and information, reinforced with a physique equal in fibre and toughness to barb wire."²⁰³ The *New York Sun* had referred to him as "a handsome, aggressive man, a plausible talker and a fighter. He is the only man, in recent years, who tried to knock down a member of congress with his fists upon the floor of the House."²⁰⁴ He

²⁰⁰ *Iowa Farmer's Tribune* (Des Moines), July 13, 1892, quoting the *Des Moines Leader*.

²⁰¹ Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, pp. 261, 262. L. L. Polk, president of the Southern Alliance, died on June 11, 1892. "Had he lived he would have undoubtedly been chosen for first or second place on the People's party ticket to be nominated at Omaha July 4th."—*Iowa Farmer's Tribune* (Des Moines), June 15, 1892.

²⁰² *The American Review of Reviews*, Vol. VI, p. 9.

²⁰³ Fred White in the *National Watchman*, quoted by the *Iowa Farmer's Tribune* (Des Moines), July 27, 1892.

²⁰⁴ Quoted by the *Iowa Tribune* (Des Moines), August 31, 1887.

preceded W. J. Bryan as the champion of western ideas of finance and as a militant nation-wide campaigner. His biographer repeatedly emphasizes the point that he was a pioneer in social politics, "an exponent of the fundamental democracy of the West."²⁰⁵ His campaign brought from Murat Halstead, the well-known newspaper writer, the exclamation, "One million men voted for this lunatic for president."²⁰⁶

Aggressive campaigning was carried on in Iowa. The Iowa Farmers' Alliance experienced additional difficulty in maintaining its opposition to the third party idea. J. B. Furrow, a former president of the organization who had favored "non-partisanship", committed himself to the support of the new party.²⁰⁷ The *Western Rural*, a champion of the Northern Alliance, declined to endorse Weaver for President and found its political attitude distasteful to some of the new converts to the organization in Iowa. Losses of membership were reported at the State meeting in 1892.²⁰⁸ At the same time splendid growth was claimed for the Southern Alliance, or the "F. A. & I. U.". It was urged that there be during September or October one or more monster farmers' picnics under the auspices of "the F. A. & I. U. or the People's party." The following is one of the announcements: "GRAND RALLY all day Picnic Meeting for Marion, Warren, Polk and Jasper counties, at Bowers Grove . . . Saturday, September 17th. Judge

²⁰⁵ Haynes's *James Baird Weaver*, pp. 128, 129, 153, 154, 240.

²⁰⁶ *Farmer's Tribune* (Des Moines), February 22, 1893. The *Iowa State Register* was quoted by the *Iowa Farmer's Tribune*, July 20, 1892, as observing that Weaver seemed likely to throw the election into the House.

²⁰⁷ *Iowa Farmer's Tribune* (Des Moines), May 25, 1892.

²⁰⁸ *Western Rural* (Chicago, Illinois), April 30, May 21, 1892; *The Iowa Homestead* (Des Moines), October 14, 1892. The Iowa Farmers' Alliance again adopted resolutions suitable for a Populist platform but reflected the president and secretary, who opposed separate political action.

C. C. Cole, Hon. Ed. A. Ott, and Other Speakers. Farmers Tribune Glee Club."²⁰⁹

Arrangements for speakers from outside the State again included dates for Mrs. Lease, J. F. Willits, and Hamlin Garland. The last of these neglected his literary labors at Boston to campaign for reform in his boyhood State. The *Farmer's Tribune* published his "Battle Hymn of the Wronged" and praised his "addresses on the Single Tax and Farmers' Alliance."²¹⁰ Hypocrisy was an important charge made against the old parties. "For years the Democratic platforms of Iowa have declared absolutely for free coinage of silver Four of the six Democratic congressmen from Iowa voted against free coinage." The label of hypocrite was suggested for H. S. Wilcox, Des Moines attorney and former Greenbacker, for making speeches outside the State under pay of the Republican party.²¹¹ The Populists this year were generally averse to fusion with the Democrats, refusing to compromise on the electoral ticket, though both parties nominated Daniel Campbell for Congress in the eleventh district.²¹²

At the general election in November Weaver received a vote in Iowa of 20,596, while the Prohibition candidate for President received 6402, out of a total vote of 443,159. Weaver's vote was less than Harrison's plurality over Cleveland, less than five per cent of the total vote cast, and less than two-thirds of the Iowa vote he received as the Greenback candidate for President in 1880. Between the two dates he gained in the country but lost strength in Iowa. Gillette as head of the State ticket received a vote of

²⁰⁹ *Iowa Farmer's Tribune* (Des Moines), July 27, September 7, 1892.

²¹⁰ *Iowa Farmer's Tribune* (Des Moines), January 6, September 7, November 2, 1892.

²¹¹ *Iowa Farmer's Tribune* (Des Moines), May 25, November 2, 1892.

²¹² Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 326; *Iowa Farmer's Tribune* (Des Moines), November 2, 1892.

20,356, less than the plurality by which his Republican competitor defeated the Democrat. He received more than five hundred votes in each of twelve counties scattered in the southwestern half of the State. A Prohibitionist received 6097. The Populists had no candidate for Congress in the third and fourth districts, which lie approximately in the northeast quarter of the State. In the first, second, and fifth districts which extend from the third to the southeastern corner, their candidates all received less than seven hundred, the Democrat receiving a plurality of more than seven thousand in the second district, the only district carried this year by the Democrats. Daniel Campbell, Democratic-Populist fusionist candidate in the eleventh district, was about twelve hundred behind his Republican opponent. The highest Populist congressional vote — 3687 — was cast in the eighth for W. S. Scott, who had labor union connections. The other Populist votes for congressional candidates were as follows: 2889 in the sixth, 2610 in the ninth, 2562 in the seventh, and 1689 in the tenth.²¹³

The first issue of the *Iowa Farmer's Tribune* after the election had political news discussion replaced on the front page by "Farm, Field and Garden", and in an editorial it stressed the work of the Farmers' Alliance and Industrial Union, mentioning that it was not a political party. "Senator Allison", claimed a Kansas paper, "did not permit Iowa to bend to the Populist cyclone."²¹⁴ But the Populist movement had not yet received its maximum growth in Iowa; it was soon to receive a new impetus and also to meet new difficulties.

²¹³ *Iowa Official Register*, 1893, pp. 119-204; *The World Almanac*, 1893, pp. 339, 340.

²¹⁴ *Topeka Capital*, quoted by the *Fort Dodge Messenger* (Semi-weekly), July 26, 1895. The Kansas paper's comments made reference to the campaigns both of 1892 and 1894.

MONETARY ISSUES TO THE FOREFRONT

There was much in the years immediately following Weaver's defeat for the presidency to cause or suggest a challenge of the existing order. Following the financial crisis of 1893 there occurred what was pronounced the "most severe drouth that the entire country west of the Mississippi . . . ever experienced for forty years."²¹⁵ Because of this drouth of 1894 hogs, in parts of western Iowa, were rushed to market, spring pigs were killed in August, horses were killed for hog feed, and even corn was repurchased by farmers and hauled back from the elevators at double the price originally received by the farmers. The corn yield for the State for that year was slightly more than one-third of an average crop.²¹⁶ In the same year Kelly's army of unemployed, including 240 Populists, moved through Iowa on its way from San Francisco to the national capital to present itself, like Coxey's Army, as a living petition for economic reform.²¹⁷ James R. Sovereign, who had been leader of the Knights of Labor of the State and prominent in third party activities, became T. V. Powderly's successor as general master workman, or national head, of the Knights of Labor. In this enlarged sphere of controversy he gave support to Kelly's army and was associated with Eugene V. Debs in the railroad strike of 1894,

²¹⁵ *The Iowa Homestead* (Des Moines), October 26, 1894.

²¹⁶ *The Iowa Homestead* (Des Moines), August 17, 1894; *Iowa Agricultural Report*, 1894, p. 73.

²¹⁷ McMurtry's *Kelly's Army* in *The Palimpsest*, Vol. IV, pp. 325-345. The army spent a few weeks in Iowa, experiencing friction with civil and railway authorities and finally moving down the Des Moines River in flatboats somewhat as an "industrial navy". It was more hospitably treated by farmers in western Iowa than in the eastern sections of the State. General Weaver addressed the army at Des Moines. For Weaver's attitude toward the army see Haynes's *James Baird Weaver*, pp. 353, 354.

which affected Iowa cities.²¹⁸ Everywhere unrest and discontent were threatening the social order.

Reverend George D. Herron was teaching Applied Christianity at Grinnell College and attracting attention through sermons on social reforms. Early in 1894 a group of Populists, including former members of the *Farmer's Tribune* staff, organized and incorporated at Des Moines the Fairhope Industrial Association to put into operation the reform demands of the People's party by maintaining a colony free from private monopoly. This was the beginning of the permanent Fairhope Single Tax Corporation in Baldwin County, Alabama.²¹⁹ "The one overshadowing, all-absorbing issue before the American people today," however, declared the Populist State platform of 1893, "is the question whether the debtors of the United States shall be allowed to pay their debts in the money of the Constitution, or whether their homes and property shall be confiscated for the benefit of pirates." More money or a different kind, they believed, would solve the difficulty.

Third parties and Alliances had by no means been alone in Iowa in advocating free silver and more money. The *Iowa State Register* had expressed the sentiment that no "one thing in governmental affairs is so much needed as free silver coinage."²²⁰ The *Burlington Saturday Evening Post* had been favorable to free silver and had condemned the bankers' claim that "there is money enough to carry on trade and traffic."²²¹ The *Dubuque Telegraph* was a Democratic advocate of free silver; but the *Clinton Age* was a

²¹⁸ Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, pp. 334, 344.

²¹⁹ *Farmer's Tribune* (Des Moines), February 14, 21, 1894; Young's *The Single Tax Movement in the United States*, pp. 250, 251.

²²⁰ *Iowa State Register* (Des Moines), May 29, 1890.

²²¹ *The Saturday Evening Post* (Burlington), May 17, 1890.

Democratic opponent of the proposition, asserting that there could be no "greater calamity to the country than the free coinage of silver."²²² The *Fort Dodge Messenger*, which was under the control of George E. Roberts, was a Republican opponent of inflationist tendencies. The sentiment in both of the major parties was divided with reference to monetary issues before the panic of 1893 intensified the attention to such questions. The great hope of the Populists was to appeal to the discontented elements in both of the old parties on the assumption that there were only two parties, the People's party and the gold party. The bimetallists had been furnished an argument, said the *Iowa Homestead*, by the increase in the commodity value of debts.²²³ They sought additional argument in the panic of 1893.

The stimulants for the Populist monetary doctrines between 1893 and 1896 were to be found, on the whole, in feelings of dissatisfaction and unfairness rather than in conditions suggestive of distress or calamity. One of the factors tending to moderate the unrest was the hog. Reference was made in the first section to Iowa's importance as a corn and hog producing State, the hog serving as an important "freight condenser" for the corn. In spite of the ravages of hog cholera, the hog was considered the most profitable animal bred on the farms; it was said that "for the 'plain people' in the agricultural west the hog has been king."²²⁴ In the number of hogs packed, Iowa ranked third in the United States during most of the ten years following 1890, coming next to Illinois and Missouri.²²⁵ Iowa furnished a

²²² *Clinton Weekly Age*, June 24, 1890.

²²³ *The Iowa Homestead* (Des Moines), January 25, 1889.

²²⁴ *The Iowa Homestead* (Des Moines), October 4, 1895, September 18, 1896.

²²⁵ *Annual Report of the Chicago Board of Trade*, 1899, pp. 52, 53, quoting *Cincinnati Prices Current*.

large percentage of the hogs sent to the Chicago market.²²⁶ In 1893 the price of mess pork was greater than it had been for ten years,²²⁷ and hog prices furnished a good item for the anti-calamity argument of Governor Boies in the panic year.

In 1893 the leading Populist organ itself was willing to place the milk production on the Iowa farms at more than \$33,000,000, a million more than twice its estimate of the annual interest on the mortgaged indebtedness in the State.²²⁸ The percentages of commercial failures in Iowa for the years 1891, 1892, 1893, and 1894 were 0.50, 0.52, 0.48, and 0.64, respectively; the corresponding percentages for Minnesota were 1.25, 1.06, 1.67, and 1.43; for Kansas 1.23, 0.92, 1.42, and 1.28; for Nebraska 1.92, 1.02, 1.68, and 1.15; and for the United States 1.07, 0.88, 1.28, and 1.25.²²⁹ The amount of deposits in Iowa State and savings banks on June 30, 1893, exceeded forty-two million dollars and was less than a third of a million below the amount for the corresponding date in 1892.²³⁰ In the latter half of 1893 it was pointed out that only four of the 325 State banks had been put into the hands of receivers and that two national

²²⁶ The president of the State Agricultural Society said that in 1896 Iowa was furnishing "50 per cent of the hogs and almost 30 per cent of the cattle sent to the great Chicago market."—See figures in the *Iowa Agricultural Report*, 1896, p. 115.

²²⁷ *Statistical Abstract of the United States*, 1894, p. 410. The high price, however, was accompanied by a decline in the number of hogs packed in the Mississippi Valley, which was reflected in Iowa.

²²⁸ *Farmer's Tribune* (Des Moines), April 19, November 8, 1893.

²²⁹ *Statistical Abstract of the United States*, 1893, pp. 26, 27, 1894, pp. 366, 367. The amount of liabilities involved in Iowa failures in 1893 was \$11,452,932, millions more than the amounts of other years. Heavy failures occurred this year at Sioux City, where eastern money had been borrowed extensively and extravagant developments undertaken.—*Iowa State Register* (Des Moines), April 26, 1893.

²³⁰ *Appleton's Annual Cyclopaedia*, 1893, p. 407.

banks out of 168 were embarrassed during the early part of the summer.²³¹

The *Farmer's Tribune*, the Populist organ, said editorially on July 26, 1893, that Iowa "has escaped all such wholesale disaster as has overtaken many sister communities The banks of this state appear to be better prepared," with fewer indications of runs on them. It was largely because of reasonably sure crops and diversification that "Iowa has stood the storm so far." There was, however, at least a fringe of distress. A biased letter from "A Mortgager" in Monona County in 1893 stated that this county offered "an opportunity for the landless poor to place a party in power," and two years later it was reported that a band of fifty farmers in that county rose against a deputy sheriff who was trying to serve writs in the interest of a banker-landowner, alleged to have "stripped tenants to destitution."²³²

Lack of money was, of course, the chief Populist explanation of the panic. There was only \$6.70 per capita in circulation for the country, said A. W. C. Weeks, of the *Winterset Review*, "one of the best posted men on finance in the west."²³³ Gold was being drained from the country through administrative wreckage of the South and West for the benefit of Wall Street and Lombard Street. The afflicted world needed financial reorganization. "Don't pay any attention to what Cleveland or Carlisle say about the

²³¹ *Fort Dodge Messenger* (Weekly), August 3, 1893; *Council Bluffs Weekly Globe*, October 6, 1893. Additional banks met embarrassment or suspension in the financial crisis of 1893.—*Appleton's Annual Cyclopaedia*, 1893, p. 407; *Farmer's Tribune* (Des Moines), October 4, 1893.

²³² *Farmer's Tribune* (Des Moines), August 23, 1893; *Council Bluffs Weekly Globe*, January 3, 1896.

²³³ *Farmer's Tribune* (Des Moines), April 19, 1893. The national per capita circulation, including bank notes, was \$23.85 in 1893.—Bogart's *The Economic History of the United States* (Second Edition), p. 401.

money question. They are both of them drawing large salaries from the government and of course cannot feel the stringency of money matters. The man who cannot feel is not in a position to give good advice".²³⁴ At the same time a critic of Populist economies said: "This country is heavily burdened by the efforts of that class of people who want to make money 'cheap' and 'plenty' by some kind of legislation". Because of them, he said, foreigners were growing suspicious and closing out American investments and "as a result we see money abundant and cheap in London and tight and dear in the United States."²³⁵

Weaver and the *Farmer's Tribune* were active in 1893 with forwarding the work of the American Bimetallic League and its subdivisions, answering criticism by asserting that emphasis on the money question would not mean the slighting of other reforms. Alliances and other organizations were urged to send representatives to a national silver conference at Chicago in August. Weaver and W. J. Bryan were speakers in July at a Des Moines conference, held under the auspices of the Central Bimetallic League, which had an attendance favorably estimated at fifteen hundred, and protested against the repeal of the Sherman Act of 1890 unless free silver coinage be adopted.²³⁶

The People's party held its State convention at Des Moines on September 5th, with delegates from seventy-eight counties. It approved the Omaha platform and pushed the money issue to the forefront, but there was a divergence of opinion and discussion as to how the "convention could best deal with the perplexing liquor question." It finally left this with the resolutions committee,

²³⁴ *Farmer's Tribune* (Des Moines), May 17, 31, July 19, 1893.

²³⁵ *Fort Dodge Messenger* (Weekly), June 15, 1893.

²³⁶ *Farmer's Tribune* (Des Moines), July 12, 19, 1893; Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 331.

which agreed on a plank for the prohibition law to remain until a system of control could be worked out.²³⁷ J. M. Joseph was chosen as candidate for Governor with Professor Ott for Lieutenant Governor. The Republicans nominated Frank D. Jackson for Governor on a platform that suggested local option in place of Statewide prohibition, advocated equal legal value for gold, silver, and paper money, and asserted that the panic was chiefly the "effect of the threatened Democratic attempt to overthrow protection." The Democrats renominated Boies and reaffirmed their attitude on the liquor and tariff issues but hedged elaborately on bimetallism.²³⁸ The Prohibition platform ranked between the Populist and the Republican from the standpoint of monetary attitude.

The Populist campaign had been started even before the date of the convention. "Basket meetings should be the order of the day. The revolution is striking the whole body of the people," who will "rebuken British insolence and American flunkysim."²³⁹ There was the "Overland Campaign company No. 1", consisting of L. O. Hull, as speaker, and a "silver glee club" in charge of A. C. Weaver, a singer and whistler. The company was equipped with a lantern and cartoons and traveled in a wagon labelled with such sentiments as "more money and less misery."²⁴⁰ The State committee announced arrangements for ten speakers from the South, including "Cyclone" Davis, of Texas.

²³⁷ *Farmer's Tribune* (Des Moines), September 13, 1893.

²³⁸ There should be coinage of both metals, but the unit of coinage of both must be of "equal intrinsic and exchangeable value, or be adjusted through international agreement," or be safeguarded through legislation. This platform and the others are found in the *Iowa Official Register* for 1894.

²³⁹ *Farmer's Tribune* (Des Moines), July 12, 1893.

²⁴⁰ *Farmer's Tribune* (Des Moines), August 16, September 20, 1893. This outfit toured Warren and Marion counties, but such a plan of campaigning had to be given up for lack of funds.

Ralph Beaumont was another Texas man campaigning in Iowa; J. C. Manning, a "boy orator", came up from Alabama; and Mrs. Lease was again speaking in Weaver's State.²⁴¹ It was reported from Louisa County, in a conservative section, that William Hanna was paying "a drove of local speakers", buying papers, and going miles on foot to teach any who would listen.²⁴² General Weaver made a field report shortly before the election that "Northern Iowa is in political revolt."²⁴³ It was hoped to strike terror to the old parties, and a Populist quoted the Republican gubernatorial candidate as saying, "If you can't vote the Republican ticket, for God's sake, vote the Democratic ticket."²⁴⁴

The Populists found more definite targets in the Democratic camp, hitting at the attitude toward silver of the platform and Governor Boies, denouncing the gold-wing tendencies of the *Des Moines Leader*, and condemning the *Davenport Democrat's* criticism of the "64-cent dollar".²⁴⁵ But the Republicans, neglecting the teachings of George E. Roberts, were offering more flank difficulties to the Populist party. All but one of the Iowa Senators and Congressmen were "not voting" on the final repeal of the purchase feature of the Sherman Act. W. P. Hepburn and A. L. Hager voted against the original House bill for repeal.²⁴⁶ The *Page County Gazette* praised the speech of Hepburn, its

²⁴¹ *Farmer's Tribune* (Des Moines), September 27, October 4, 11, 1893.

²⁴² *Farmer's Tribune* (Des Moines), October 25, 1893.

²⁴³ *Farmer's Tribune* (Des Moines), November 1, 1893.

²⁴⁴ A. W. Garver, of Mahaska County, in the *Farmer's Tribune* (Des Moines), October 4, 1893.

²⁴⁵ *Farmer's Tribune* (Des Moines), January 11, March 8, 15, 22, 1893. This paper found argumentative support in the *Dubuque Telegraph*, which opposed its party and Cleveland on the silver issue.—*Farmer's Tribune* (Des Moines), June 21, September 27, 1893.

²⁴⁶ *Appleton's Annual Cyclopaedia*, 1893, pp. 238-244.

Congressman, "against the unconditional repeal of the Sherman law. He put it to the Shylocks in good shape and we love him for doing so."²⁴⁷

Congressman J. P. Dolliver was feeling the "pressure of social and industrial problems" and observing that some step must be taken to restore the rights encumbered "by what is vaguely called the money power."²⁴⁸ It was charged that Des Moines banking interests considered steps to check the calamity talk of the *Iowa State Register*, which opposed and regretted the repeal of the silver purchase clause.²⁴⁹ The *Farmer's Tribune* was not wholly without grounds for saying that Iowa Republicans were giving expressions to Populist doctrine.²⁵⁰ The official organ of the State labor federation urged support of the Republican party as the advocate of "well paid labor."²⁵¹ Another obstacle to dampen the ardor of the Populist leaders was the lack of funds with which to "Kansasize Iowa".²⁵²

The election returns showed for the Populist State ticket less than six per cent of the total vote, about nineteen per cent increase over the Populist vote of the previous year. The Republicans reaped the greatest victory in several

²⁴⁷ *Page County Gazette*, August 31, 1893.

²⁴⁸ Dolliver to Meyers, quoted in the *Farmer's Tribune* (Des Moines), October 10, 1893.

²⁴⁹ *Adair County Democrat*, September 28, 1893, quoting the *Des Moines Review*.

²⁵⁰ *Farmer's Tribune* (Des Moines), May 31, 1893.

²⁵¹ *Farmer's Tribune* (Des Moines), November 1, 8, 1893, quoting from the *Artisan*. There was official labor opposition in Des Moines to this attitude of the labor paper.—*Farmer's Tribune* (Des Moines), November 1, 1893.

²⁵² *Farmer's Tribune* (Des Moines), August 16, September 13, 1893. A strenuous appeal by the State committee of the party through the *Farmer's Tribune* in August brought in the course of a week "the magnificent sum of \$7.00". Less than \$50.00 was subscribed to the speaker-gee-club campaign fund, though \$7000 was wanted. Among the delegates to the State convention \$413.70 in cash and \$733 in pledges were secured.

years. For Governor the vote was as follows: Republican, 206,829; Democrat, 174,660; Populist, 23,980; Prohibition, 10,349. The Republicans secured two-thirds of the upper house and three-fourths of the lower house of the State legislature. The roll of the two houses showed fifty-four farmers but not a single Populist. The Populist ticket received a plurality in Monona County only, where the Democratic ticket was a rather poor third. It received votes ranging from 518 to 998 in twelve other counties, chiefly in southern and western Iowa, while its following was comparatively negligible in the eastern counties, where the Democratic party found its greatest support.²⁵³ "The Populists", said a Republican paper, "are greatly disappointed because their vote was not larger. They are always disappointed. For fifteen years they have been cheerfully looking ahead for a tidal wave which never comes."²⁵⁴

The Populist organ said shortly after the election: "the free silver elements of all parties will get together in Iowa next fall and will literally 'smash' all previous records of party building."²⁵⁵ This suggested the probable issue in the national campaign of 1896, which will be considered in the next section, and also strongly indicated that the People's party was devoted largely to national issues.²⁵⁶ It did not, however, correctly foreshadow the status of State tickets for the next two years, during which the general

²⁵³ *Iowa Official Register*, 1894, pp. 37, 41, 112-186. Some votes were thrown out for defects under the Australian ballot law adopted by the previous legislature.

²⁵⁴ *Fort Dodge Messenger* (Weekly), November 16, 1893. The Populist State chairman said that whiskey Republicans returned to their party in this election and that railway managers also threw strength to Jackson.—*Farmer's Tribune* (Des Moines), November 15, 1893.

²⁵⁵ *Farmer's Tribune* (Des Moines), November 22, 1893.

²⁵⁶ *Farmer's Tribune* (Des Moines), November 8, 1894.

lines and relative positions of 1893 were maintained. It was also a false prophecy of the results of Populist-Democratic fusion in five congressional districts in 1894. All but one of these were in the central and western portions of the State, and four of the five fusionists were Populists, the Populists refusing to trade with the Democrats unless the latter would support men of Populist principles.²⁵⁷ The *Farmer's Tribune* observed that prominent Democrats were scared away from fusion, noting that the Democratic postmaster at Atlantic was working for the Republican candidate.²⁵⁸ With a fusion or a separate candidate in every district the Populists made distinct gains over their showing of 1892, though every Republican candidate was successful.²⁵⁹ Weaver was defeated as a fusionist in the ninth district, into which he removed after being nominated. Weller in the fourth was one of the non-fusion Populists to meet defeat.

The State campaign in this year of drouth and labor troubles was only for minor offices. As formerly, aid for the Populist cause was sought through a multiplicity of

²⁵⁷ *Fort Dodge Messenger* (Weekly), August 31, October 12, 1894.

²⁵⁸ *Farmer's Tribune* (Des Moines), October 3, 17, 1894.

²⁵⁹ *Iowa Official Register*, 1895, pp. 188-191. The following table shows the comparison between Populist congressional candidacies in 1892 and in 1894.

DISTRICT	VOTE IN 1892	VOTE IN 1894
First	691	2065
Second	557	1573
Third	No candidate	Fusion
Fourth	No candidate	1256
Fifth	637	1218
Sixth	2889	5663
Seventh	2562	Fusion
Eighth	3687	Fusion
Ninth	2610	Fusion
Tenth	1689	Fusion
Eleventh	Fusion	5265

The vote for Weaver in the ninth was 18,817, slightly more than three thousand short of election.

organizations. In addition to boosting the growth of the Southern Alliance in the State, the *Farmer's Tribune* had given encouraging attention to silver conferences and bi-metallic leagues. It also manifested sympathy toward Kelly's army, railway workers on strike, and their leaders.²⁶⁰ After the departure of Kelly's army from Des Moines there was organized at that city the United States Industrials who advocated a coöperative commonwealth, direct legislation, and the direct issue of money by the government. Headquarters and most of the officers were at Des Moines, though an Omaha man was made president.²⁶¹ The Populist ticket for this year included as nominee for Railroad Commissioner the name of W. W. Pattee, a local official of the American Railway Union. At the State convention the wall near the speakers' stand was adorned by life-size pictures of Abraham Lincoln, J. B. Weaver, and J. S. Coxey. The platform reaffirmed adherence to the Omaha platform and mentioned the demand for the initiative and referendum as one of the points to be emphasized. As the campaign got under way the State chairman, R. G. Scott, undertook to encourage the Populists, reminding them that building a party was a matter of slow evolution and education.²⁶²

The Populist State ticket received its maximum vote in 1894. S. B. Crane, head of the ticket as candidate for Secretary of State, received a vote of 34,907, while the Republican candidate received 229,376 and the Democratic opponent's vote was 149,980.²⁶³ Crane's vote exceeded a

²⁶⁰ *Farmer's Tribune* (Des Moines), July 11, 1894.

²⁶¹ *Farmer's Tribune* (Des Moines), June 6, 1894.

²⁶² *Farmer's Tribune* (Des Moines), September 12, 1894. The *Farmer's Tribune* urged better organization for Iowa reformers, who had "hustled at random" and accepted defeat.

²⁶³ *Iowa Official Register*, 1895, pp. 107-184.

thousand in seven counties, but he had a plurality only in Monona. The Populist vote was greater than formerly in such urban centers as Des Moines and Sioux City. The Republican party was conspicuously increasing its solidarity. The enactment of the "mulet" law by the recent legislature permitted exceptions to the prohibition law and reduced it as an issue between the two major parties. The Democratic party was offering a slightly more qualified support to bimetallism in its State platform than was the Republican party, which was pledged "to work for bimetallism" and for the "largest possible use of silver as money" consistent with parity of values.²⁶⁴ The party of Boies was also showing signs of division between conservative elements and elements favoring fusion with the Populists. It was reported that dissatisfied Democrats remained at home on election day or even voted the Republican ticket.²⁶⁵

The Populist campaign of 1895 was still more closely connected with the preparation for the national campaign of 1896. In December of 1894 a State conference of the party started a movement for People's party lyceum clubs and gave an emphasis to monetary issues that led to criticism that other Populist doctrines might be scrapped.²⁶⁶ Much of such criticism during the year was at the expense of Weaver and from the *Farmer's Tribune*, now under the editorship of T. F. Byron and the ownership of Thomas Meredith, who had established himself as a Cass County farmer and landowner. "General Weaver has the gun turned against him which he helped to load."²⁶⁷ Talk of

²⁶⁴ The State platforms are found in the *Iowa Official Register* for 1895. The Prohibition candidate received 7457 votes.

²⁶⁵ *Farmer's Tribune* (Des Moines), November 14, 1894, quoting the *Des Moines Leader* and the *Iowa State Register*.

²⁶⁶ *Farmer's Tribune* (Des Moines), December 12, 1894, January 9, 1895.

²⁶⁷ *Farmer's Tribune* (Des Moines), June 26, 1895, quoting the *Des Moines Leader*.

Democratic-Populist fusion was in the air, with keen opposition coming both from radical Populists and conservative Democrats. A non-partisan silver conference was held at Des Moines on June 5, 1895, through a call issued over more than a hundred names, including those of J. B. Weaver and F. E. White, Democrat and ex-congressman. A large attendance was reported, and W. J. Bryan addressed an audience at the courthouse on the evening preceding the convention. On the sixth of June a State convention of free silver Democrats held at Des Moines announced free coinage at the ratio of sixteen to one without waiting for action of other nations as a cardinal principle of Democratic faith.²⁶⁸ This was two months before the Democratic convention. The Populists met on June 11th.

Tom Watson's paper in Georgia had noted that "Gen. Weaver met defeat from the Populist central committee of Iowa Gen. Weaver wanted to carry the Populists into the bimetallic camp and put forward Rev. S. H. Bashor, the late demo-Populist candidate for congress, as chairman. The straight-out Populists put up C. A. Lloyd, who was elected."²⁶⁹ This had reference to the selection of the temporary chairman of the convention. The platform stood by the Omaha platform, denounced the income tax decision of the Supreme Court, criticized the granting of injunctions in the interest of corporate wealth, advocated a State income tax, and extended the right hand of fellowship to others on the silver issue. As candidate for Governor the ticket included S. B. Crane, a college man and wholesale grocery salesman of Davenport. He stood on the whole national

²⁶⁸ *Appleton's Annual Cyclopaedia*, 1895, p. 369; circular in *L. H. Weller Papers* (Wisconsin Historical Society); *Farmer's Tribune* (Des Moines), June 5, 1895.

²⁶⁹ *Farmer's Tribune* (Des Moines), May 8, 1895, quoting the *Peoples Party Paper*, of Atlanta, Georgia. W. H. Robb in the committee meeting also favored a fusion temporary chairman.

platform but recognized the paramountcy of silver, hoping to win silver detachments from the old parties. He himself had left the Republican party because he was interested in reform.²⁷⁰ A conference of leaders soon after the convention led to the report that a Weaver scheme was on foot to arrange a half and half fusion ticket between the Populists and the Democrats and that Weaver might not support the straight ticket. The rumors were denied and Weaver pledged support to Crane, writing him: "There is but one difference of opinion within our party in this state or elsewhere . . . and that relates to the method of securing a union of the reform elements in 1896." There was ample time for composing that difference.²⁷¹

When the Democratic State convention was held at Marshalltown on August 7th the monometallists elected the chairman and rejected by a vote of 651 to 420 a minority resolution favoring the free coinage of gold and silver. The platform praised the rescue of the country from "the baleful effects of the Sherman Law". For consolation the defeated wing was given the nomination for Lieutenant Governor. The *Farmer's Tribune* accused the party of accepting the gold collar, and offending four hundred delegates.²⁷² Fusion between this party and the Populists had to be restricted to scattered local contests, noticeably to a few of the campaigns for the legislature. In the lone Populist county of Monona there was report of fusion between Republicans and Democrats.²⁷³ The Republicans headed their State ticket with Francis M. Drake, a banker and railroad promoter. An important Republican source criticized

²⁷⁰ *Farmer's Tribune* (Des Moines), June 12, July 31, October 30, 1895.

²⁷¹ Weaver to Crane, June 12, 1895, quoted in the *Farmer's Tribune* (Des Moines), June 19, 1895; *Farmer's Tribune* (Des Moines), July 31, 1895.

²⁷² *Appleton's Annual Cyclopaedia*, 1895, p. 370; *Farmer's Tribune* (Des Moines), September 4, 1895.

²⁷³ *Farmer's Tribune* (Des Moines), October 23, 1895.

Populist financial ideas, but endorsed international bimetalism and suggested that there be "a chance to convert actual property into circulating currency by depositing actual property with the government authorities."²⁷⁴ It was a Populist charge that the Iowa bankers endorsed the gold standard in their "annual drunk."²⁷⁵ The State Labor Federation in its annual meeting refused to commit itself to free silver.²⁷⁶

Again there was a Populist assault by local and imported speakers. "General" J. S. Coxey spoke to two thousand at Des Moines in August, while Ralph Beaumont later spoke three hours at an Arbor Hill picnic attended by five thousand.²⁷⁷ But there were discouraging reports, even in regard to picnics. The Southern Alliance in Iowa, closely identified with the third party, had not made the progress that was anticipated.²⁷⁸ E. T. Meredith, the young secretary of the Populist State committee, was repeating pleas for funds to carry on the party campaign; yet the total receipts from a five cent assessment amounted to only \$317.19, and two-thirds of the counties sent in nothing on this assessment.²⁷⁹ It was said that the *Farmer's Tribune* was being published at a loss of fifty dollars per week, and the Populists were "getting discouraged just as the money power wants us to be."²⁸⁰ The result was no inspiring tale: Crane received 2718 votes less than he had received the previous year for Secretary of State, while the Republican ticket was several thousand ahead of the Democratic, Popu-

²⁷⁴ *Fort Dodge Messenger* (Semi-weekly), January 4, February 1, March 8, 1895.

²⁷⁵ *Farmer's Tribune* (Des Moines), July 3, 1895.

²⁷⁶ *Appleton's Annual Cyclopaedia*, 1895, p. 369.

²⁷⁷ *Farmer's Tribune* (Des Moines), August 28, October 2, 1895.

²⁷⁸ *Farmer's Tribune* (Des Moines), March 20, April 24, 1895.

²⁷⁹ *Farmer's Tribune* (Des Moines), November 13, 20, 1895.

²⁸⁰ *Farmer's Tribune* (Des Moines), October 9, November 20, 1895.

list, and Prohibition votes combined.²⁸¹ Just after the election Thomas Meredith, who owned the *Farmer's Tribune*, uttered the following lamentation: "I must acknowledge that I have the blues. To think that I have paid out many thousand dollars in distributing literature, buying new outfits for newspapers, wholly with my own money and helping others by paying their paper bills [taking up mortgages] in many cases not getting it back because of the final failure of said papers for the reason that greenback papers, union labor papers and Populist papers did not and do not pay. I have found out by sad experience that the path of the reformer is a thorny one."²⁸²

Though it was a Populist observation with reference to Iowa and Ohio that "the party does not need them to elect a president, in fact does not expect them, but may get them just the same",²⁸³ Iowa soon became a field of contest over the Populist tactics and program for the national campaign of 1896. Attention must now be turned to that contest and to that campaign.

SILVER AND FUSION VERSUS MIDDLE-OF-THE-ROAD

The national fusion of the Democratic and Populist parties in 1896 was brought about through a period of preparation that was not free from friction. The development of this alignment received the attention of Iowa Populists including J. B. Weaver, who in 1894 was a fusion congressional candidate in a district bordering the Nebraska district which W. J. Bryan had represented. And these two

²⁸¹ *Iowa Official Register*, 1896, p. 222. The votes for Governor were as follows: Republican, 208,714; Democrat, 149,428; Populist, 32,189; Prohibition, 11,014.

²⁸² *Farmer's Tribune* (Des Moines), November 13, 1895.

²⁸³ *Farmer's Tribune* (Des Moines), November 13, 1895.

men, one a resident now of Council Bluffs and the other the titular editor of the *Omaha World Herald*, just across the Missouri River, were both active in advancing the cause of the National Bimetallic League. Speaking on the issue of free silver at Des Moines in June, 1895, Bryan urged that the West and the South unite for reform.²⁸⁴ This was no new plea for Weaver. If the presidential candidate of 1896 was quoted as saying that the Populist party was hindered by "isms", the candidate of 1892 was quoted as saying that the Populist party should "get rid of all the old isms."²⁸⁵ Bryan's metaphor of the "crown of thorns" and "cross of gold" was in part anticipated by a cartoon in the Weaver paper, which pictured Uncle Sam, wearing a crown of thorns, placed between "Cleveland" and "Sherman" with the caption, "Crucified Between Two Thieves".²⁸⁶

Weaver shifted from the discussion of "the threefold contention of industry" to emphasis on monetary issues. If the situation did not change he would "favor going before the people in 1896 with the money question alone . . . Not on the silver issue alone, but distinctly favoring unrestricted coinage at the ratio of 16 to 1, and legal tender government paper, with neither bonds nor banks of issue."²⁸⁷ He argued that the country was educated up to the money issue but not yet prepared for the whole Omaha platform, that nationally the Populists must add four and a half million votes to their strength to be victorious in 1896, that victory was in sight on the money issue, that one battle at a time was the way of real reform, and that an alliance "would be effected between the bimetallic party,

²⁸⁴ *Farmer's Tribune* (Des Moines), June 12, 1895.

²⁸⁵ *Farmer's Tribune* (Des Moines), March 6, September 4, 1895.

²⁸⁶ *Farmer's Tribune* (Des Moines), July 25, 1894. The idea of the crown of thorns had been used in earlier cartoons.

²⁸⁷ Weaver in the *Farmer's Tribune* (Des Moines), March 27, 1895.

the Populists, the silver democrats and the free silver republicans. They should, and I think they will, support the same ticket."²⁸⁸ The Populist State committee chairman was looking forward to conducting the campaign of 1896 on the issues cited by Weaver with the initiative and referendum added; he prophesied union, not fusion, of all reformers under one banner, with the Populists naming the candidates and the list of champions including Ignatius Donnelly, J. S. Sibley, Jerry Simpson, W. J. Bryan, C. C. Cole, and Thomas Meredith.²⁸⁹

The talk of union of forces aroused suspicions of fusionist undertakings. Weaver's tactics did not meet with the approval of all the old-time Greenbackers of Iowa²⁹⁰ and relatively radical and conservative wings of the Populist party were becoming manifest. The radicals were not only displeased with the thought of Democratic fusion but were fearful of the political possibilities of the silver organizations. They wanted to retain the whole Omaha platform, though admitting that the money question was to be given emphasis. "The talk about a new silver party is all nonsense. . . . If this Populist party is not good enough for Messrs. Bland, Warner, Bryan, etc., let them stay with the gold-bug democracy."²⁹¹

During 1895 the *Farmer's Tribune*, no longer under Weaver's control, used the slogan and policy of "no fusion". It opposed the suggestion to invite Bryan to a Populist party conference. It noted a suggestion by an Omaha Democrat in 1894 that Bryan would make a good

²⁸⁸ *Farmer's Tribune* (Des Moines), April 10, 24, 1895.

²⁸⁹ *Farmer's Tribune* (Des Moines), December 4, 1895, giving a statement of J. E. Anderson, chairman of the State central committee of the People's party.

²⁹⁰ Letters and clippings in the *Farmer's Tribune* (Des Moines), December 26, 1894, May 1, 8, 1895.

²⁹¹ *Farmer's Tribune* (Des Moines), December 19, 1894, quoting the *Creston American*.

Democratic candidate for President because he would attract Populist votes and had kept thousands of Nebraska Democrats from becoming Populists, but it commented that it did not prefer "to change from swallower to swallowed."²⁹² Thomas Meredith, the owner of the paper, denounced as a fake and a delusion the Bryan claim and hope that the next national convention of the Democratic party might be forced to declare for free silver.²⁹³ His paper in 1895 was distinctly unfriendly to the "so-called Bimetallic League", the "fourth party" idea, and the "one-plank clique". It charged that a minister by the name of Mueller, representing the Bimetallic League, was trying to start a secret organization among Iowa Populists in the interest of the "fourth party",²⁹⁴ It reproduced the comment that the "Populists have knocked out the Sibley presidential boom, have put Bryan entirely outside of their contemplation and show signs of again nominating a man they can trust — General Weaver."²⁹⁵

These criticisms did not spare General Weaver himself or H. E. Taubeneck, the chairman of the Populist national committee. The Populist party should stay in the middle of the road, it was the first to champion free silver, and friends of silver should come into it for union. Let the old parties split and bolters join the Populist party. As indicated in the preceding pages, General Weaver was at this time finding it necessary to deal gently with the Iowa

²⁹² *Farmer's Tribune* (Des Moines), December 5, 1894, citing a letter from F. B. T., of Omaha, in the *Chicago Times*.

²⁹³ Thomas Meredith in the *Farmer's Tribune* (Des Moines), October 23, 1895.

²⁹⁴ *Farmer's Tribune* (Des Moines), March 27, April 3, 1895.

²⁹⁵ *Farmer's Tribune* (Des Moines), May 29, 1895, quoting a *Sioux City Tribune* clipping from the *Cleveland Democrat*. Ex-Congressmen J. S. Sibley, of Pennsylvania, had been mentioned as a presidential candidate by "bimetallic" elements.

middle-of-the-road element. It seemed a difficult task to get the currency reform forces together.

In addition to conciliating the radicals, who feared that Populist principles might be forsaken, it was necessary to secure the coöperation of other silver forces and avoid a dissipation of reform energies in the campaign of 1896. Weaver tried to compose the difference in attitude between himself and Ignatius Donnelly, the middle-of-the-road leader of Minnesota, writing the latter that there was "no occasion for abandoning our party If our Bimetallic friends can aid us in smashing old party lines and gathering into a common fold the vast multitude now outside our lines I bid them go ahead with their blessed work."²⁹⁶ He also wrote Donnelly, "We are both working to the same end — trying to get all the reform forces together on common ground, without fusion and outside the old parties". The nation was "passing into a whirlwind and the Populists must guide the storm."²⁹⁷

The "fourth party" danger was minimized by the arrangement for the national silver organization to hold its national convention in 1896 at the time of the Populist convention and at the same place, Weaver being a member of the group which brought about this plan for unity of action.²⁹⁸ These conventions were scheduled for July 22, 1896, later than those of the Democratic and Republican parties. The *Farmer's Tribune* urged this as a scheme to catch bolters in case of splits in the old parties and quoted Donnelly's prediction, "The G. O. P. and the D. O. P. will undoubtedly support goldocracy They are chained

²⁹⁶ Letter from J. B. Weaver to Ignatius Donnelly, March 23, 1895, in the *Ignatius Donnelly Papers* (Minnesota Historical Society).

²⁹⁷ Letter from J. B. Weaver to Ignatius Donnelly, March 20, 1895, in the *Ignatius Donnelly Papers* (Minnesota Historical Society).

²⁹⁸ *Farmer's Tribune* (Des Moines), January 22, 1896.

to the car of mammon.”²⁹⁹ Before the date was decided on Bryan wrote to Weaver and other leaders urging that the Populist convention be placed later than the Republican and Democratic conventions. He said: “It can then take advantage of the errors of the old parties. Wise action will be much more probable if the convention meets at such a time as to be able to take a survey of the whole field and understand all the conditions.” This would make it “easier to bring about a consolidation of all the silver forces.”³⁰⁰

In Iowa the Weaver program was aided by the change in the management and policy of the *Farmer's Tribune*. Thomas Meredith sold a half interest in the paper to S. B. Crane and leased the other half to his grandson, E. T. Meredith. There was also a change in editors, and at the beginning of 1896 the “NO FUSION” caption was removed from the top of the editorial column. It was announced that the paper would no longer stir up strife but would work for harmony among reformers.³⁰¹ The outstanding method championed for bringing harmony or compromise to the different Populist factions was the proposal of the initiative and referendum. It was “an all plank platform,” broader even than the Omaha platform, for the initiative and referendum would permit the securing of all possible reforms. It precluded the necessity for the specific statement of other demands, and around it could rally all the

²⁹⁹ *Farmer's Tribune* (Des Moines), November 27, December 18, 1895.

³⁰⁰ Letter of W. J. Bryan to Ignatius Donnelly, January 1, 1896, mentioning that similar letters were sent in the same mail to J. B. Weaver, Marion Butler, James Kyle, W. V. Allen, and Clarence Darrow.—*Ignatius Donnelly Papers* (Minnesota Historical Society). These papers show that Senator W. M. Stewart, of Nevada, made the same suggestion to Donnelly.

³⁰¹ *Farmer's Tribune* (Des Moines), January 8, 1896. The former editor, T. F. Byron, apparently fell from grace, organized McKinley clubs in Iowa, and had an interview with Mark Hanna at the Republican convention.—*Farmer's Tribune* (Des Moines), November 18, 1896; *Davenport Democrat*, May 5, 1896.

leaders of the silver, Populist, and Socialist forces.³⁰² Yet there continued a Populist fear of a subterranean "disposition to set the silver question so high as to exclude the greenback."³⁰³ It was suggested that the bimetallic organization had no love for the People's party or its principles except for free silver and that the "brood of democratic free silver orators" were Democrats first and silverites afterwards.³⁰⁴

Populist delegates to the national convention were selected at a State convention held at Des Moines on April 22, 1896, with an attendance reported as the largest in the history of the party. The temporary chairman was General Weaver, while the permanent chairman was A. W. C. Weeks, whose paper, the *Winterset Review*, expressed criticisms of Democratic silver leaders. H. E. Taubeneck, chairman of the national committee, and "General" Coxey were in attendance. The convention rejected a minority report of the resolutions committee favoring instructing the delegates to St. Louis to stand for the Omaha platform in full and the initiative and referendum. It adopted the majority report, which contained the following provision: "That the delegates to the St. Louis convention be instructed to do all in their power to secure a union of all reform forces on a common ticket or platform embodying the fundamental principles of the Omaha platform, and in addition to recommend the adoption of the initiative and referendum."³⁰⁵ Among the delegates at large were J. B.

³⁰² *Farmer's Tribune* (Des Moines), November 20, 1895, March 25, April 1, 1896.

³⁰³ Letter from James Vincent, Sr., of Tabor, Iowa, to the editor of the *Representative* (published by Donnelly), March 15, 1896, in the *Ignatius Donnelly Papers* (Minnesota Historical Society).

³⁰⁴ *Winterset Review*, June 2, 1896.

³⁰⁵ *Winterset Review*, April 28, 1896; *Appleton's Annual Cyclopaedia*, 1896, p. 362.

Weaver, W. H. Robb, A. W. C. Weeks, and J. E. Anderson. But much water flowed over the political dam before the delegates participated in their national convention at St. Louis in July.

The Iowa delegation to the Republican national convention at St. Louis supported the sound money plank, though a tendency to straddle was manifested by men from the western parts of the State.³⁰⁶ The bolt of Senator Teller and other westerners at this convention was anticipated by the other silver forces.³⁰⁷ Writing after the event the chairman of the Populist national committee referred to a working arrangement with the bolting Republicans and urged that "good conservative Populists" be brought to Chicago for a conference with them on July 5th. This union, he said, will "give us the electors in all the old Republican states west of the Mississippi River, with, possibly the exception of Iowa".³⁰⁸

The Democratic party in Iowa shifted to the support of the silver issue in spite of the influence of Federal office-holders and "post-office organs".³⁰⁹ It was pointed out that most of the counties sending silver delegations to the State convention of May 20th were not counties of Democratic majorities, while the Democratic strongholds around Davenport were not swept "by the Western wave for cheap

³⁰⁶ *Dubuque Daily Telegraph*, June 15, 1896.

³⁰⁷ Letter from H. E. Taubeneck to Ignatius Donnelly, dated June 10, 1896, in the *Ignatius Donnelly Papers* (Minnesota Historical Society). Writing from St. Louis, Taubeneck urged Donnelly to be present in that city during the Republican convention. He mentioned that bimetallists were to have men on the ground and that Weaver and others were to be there. Bryan was also present.

³⁰⁸ Letters from H. E. Taubeneck to Ignatius Donnelly, dated June 22, 29, 1896, in the *Ignatius Donnelly Papers* (Minnesota Historical Society).

³⁰⁹ *Dubuque Daily Telegraph*, May 4, 5, 1896. This silver Democratic paper claimed, on June 1, 1896, that "with three exceptions the democratic dailies of Iowa have been strenuous champions of the Wall Street policy of finance."

money.”³¹⁰ There was keen opposition to the silver program from the German element of the party. Joseph Eiboeck, editor of the Des Moines *Staats-Anzeiger*, fought the issue, but was defeated for delegate to the State convention.³¹¹ More than one county furnished contesting gold and silver delegations, and the State convention itself developed into something of a row. The silver forces dominated, with a majority of more than two to one, though 280½ votes opposed “all devices for debasing the currency”. Ex-Governor Boies was named as a delegate at large to the national convention and the delegation was instructed to support him for the presidential nomination.³¹² This action of the convention did not silence the minority. The *Davenport Democrat* said that one reason why it “does not like free coinage at the ratio of 16 to 1 is because the Iowa prohibitionists and the Iowa populists have both put it in their platforms.”³¹³ It declared that the Democrats of Scott County knew enough to keep out of debt and to hold the best money in the world. “They do not feel like dividing what they have with those who have nothing.”³¹⁴ But another Democratic paper was delighted and suggested a congress pledged to free silver, with Boies for President and Bryan and Weaver in the cabinet.³¹⁵

Weaver was on the scene when the Democrats met in

³¹⁰ *Davenport Democrat*, May 18, 1896. This journal was opposed to letting “Populists and Republicans, bimetallic and free silver clubs” in Democratic caucuses.—*Davenport Democrat*, May 6, 1896.

³¹¹ *Fort Dodge Messenger* (Semi-weekly), April 24, May 15, 1896.

³¹² *Dubuque Daily Telegraph*, May 4, 6, 1896; *Davenport Democrat*, May 21, 1896; *Fort Dodge Messenger* (Semi-weekly), May 22, 1896; *Des Moines Leader*, July 24, 1896.

³¹³ *Davenport Democrat*, May 24, 1896.

³¹⁴ *Davenport Democrat*, June 7, 1896.

³¹⁵ *Dubuque Daily Telegraph*, June 17, 1896. J. S. Murphy, the editor of this paper, was the Iowa member of the resolutions committee of the Democratic national convention.

national convention at Chicago on July 7, 1896. He was quoted as favoring fusion and such a candidate as Henry M. Teller or Horace Boies, observing that what the Populists and silverites might do at St. Louis would "depend on what is done here at Chicago." The *Des Moines Leader* urged the nomination of Boies on the grounds of his being less radical on the silver question than Bland or Teller, but Weaver could not approve of the nomination of Boies by gold votes.³¹⁶ The action of the Democrats at Chicago was criticized in Iowa Populist circles. "They would not listen to the syndicate of silver republicans and populists who wanted them to nominate Teller." They committed "grand larceny" and stole the Populist silver plank.³¹⁷ It was now the turn of the Populist national convention.

Weaver championed the cause of fusion when the Populists met at St. Louis on July 22nd, and his election as chairman of the resolutions committee was regarded as a victory for the Bryan forces.³¹⁸ He was also chairman of the pro-Bryan delegates.³¹⁹ He had a good majority of the Iowa delegation with him, though the group furnished at least one active member of the middle-of-the-road element.³²⁰ The delegation was reported to be more evenly divided between Arthur Sewall, Bryan's running mate, and Thomas E. Watson, for Vice President.³²¹ The latter was selected before the nomination for the presidential candidate was taken up. Weaver then led the movement for the Bryan nomination in the face of news of a plea from Bryan not to

³¹⁶ *Des Moines Leader*, July 5, 1896; *Davenport Democrat*, July 8, 1896; *Winterset Review*, July 7, 1896.

³¹⁷ *Winterset Review*, July 14, 1896.

³¹⁸ *Davenport Democrat*, July 23, 1896.

³¹⁹ Haynes's *James Baird Weaver*, p. 376.

³²⁰ *Fort Dodge Messenger* (Semi-weekly), July 24, 1896.

³²¹ *Winterset Review*, July 28, 1896.

be nominated without the endorsement of Sewall. Weaver was quoted as giving assurance that Bryan would accept the nomination and saying that it was morally certain Sewall would withdraw, leaving the ticket Bryan and Watson.³²² He placed the name of Bryan in nomination, arguing that the Democrats at Chicago had made union inevitable, and that a third ticket would be a futile undertaking. He would hasten to the relief of the "gallant champion in the field, who is leading a revolt against the plutocracy of Christendom."³²³ An Iowa Populist complained that the leaders undertook to browbeat the middle-of-the-roaders at St. Louis and that the bimetallic party abandoned the Populists for the Democrats.³²⁴

Fusion on candidates for State officers and presidential electors was arranged at the regular Democratic State convention, held at Ottumwa on August 12th and attended by Populist leaders. Weaver was important in the convention conferences and declared that he welcomed the Democratic party back to him. Democrats were named for five State officers, while one Populist and one silver non-partisan were named. Ex-Governor Boies and General Weaver were nominated for electors at large, and two of those named for district electors were Populists. It was planned for the Democrats to have nine of the eleven congressional candidates, the Populists one, and the silver non-partisans one. According to a Republican story, the slate had been worked out by Iowa Democrats and Populists at a Chicago conference during the Democratic national convention.³²⁵

³²² *Winterset Review*, July 28, 1896.

³²³ *Iowa State Register* (Des Moines), July 26, 1896; Haynes's *James Baird Weaver*, pp. 377-380.

³²⁴ *Winterset Review*, November 10, 1896. The bimetallic organization endorsed Bryan and Sewall.

³²⁵ *Des Moines Leader*, August 12, 13, 1896; *Iowa State Register* (Des Moines), August 13, 1896. The scheme for congressional fusion did not fully

The Populists, meeting in State convention on September 10th, endorsed their national platform and nominees and ratified the State fusion as arranged with the "silver republicans and democrats".³²⁶ Weaver was an important speaker, W. H. Robb was the permanent chairman, and E. T. Meredith was the secretary of the convention. The meeting was not free from friction. The delegates were treated to an airing of controversies between S. B. Crane and Thomas Meredith over party funds and the *Farmer's Tribune*. It was reported that A. W. C. Weeks, a middle-of-the-roader, sulked on a back seat and declined to participate when a collection was taken.³²⁷

Thus was the way paved for a unified "Popocrat" campaign for free silver. W. J. Bryan addressed a Des Moines audience, estimated at 2000, on the seventh of August and his coming was the occasion for a monster parade, in which were displayed a wooden cross and a gilded crown, surrounded by a wreath of thorns. A glee club sang,

Free silver on the bank,
And a gold bug in the pool;
Free silver to the gold bug said:
"Read Coin's Financial School."

Bryan in his Iowa speeches gave special praise to Boies and Weaver, mentioning that the Populist leader was a pioneer by twenty years in the Democratic demands of 1896.³²⁸ Among the speakers booked from outside the State were

materialize. The Populists had a separate candidate in the second district, while there was only a non-fusion Democratic nominee in the third. Two of the nine fusion nominees were Populists, and two were reported as silver non-partisans.

³²⁶ *Farmer's Tribune* (Des Moines), September 16, 1896.

³²⁷ *Des Moines Leader*, September 11, 1896; *Iowa State Register* (Des Moines), September 11, 1896.

³²⁸ *Des Moines Leader*, August 8, 1896; *Iowa State Register* (Des Moines), August 8, 9, 14, 1896.

Senator William V. Allen of Nebraska, Senator William Peffer of Kansas, and W. H. ("Coin") Harvey of Chicago.³²⁹

There were reports also of Republican free silver meetings.³³⁰ Judge W. A. Spurrier, a former Republican of Des Moines, spoke for free silver in the Bryan tent in that city.³³¹ A. B. Cummins was quoted as estimating that 10,000 Iowa Republicans would vote for Bryan, though Iowa would go Republican by 35,000.³³² Republican leaders in Iowa, while attacking the Democratic money plank, were careful to qualify their own attitude on silver coinage. Hepburn emphasized the bimetallic feature of the Republican platform to his "Republican friends, who are disturbed somewhat by our platform."³³³ Cummins said, "I favor the free coinage of silver upon the ratio of the real or intrinsic value of the two metals."³³⁴ Allison emphasized that the platform favored international agreement for the use of both silver and gold as money.³³⁵ Judge N. M. Hubbard denounced "the rebellion of the 50-cent dollar", while George E. Roberts, through press and pamphlet, attacked the teachings of Bryan and "Coin" Harvey, but denied that "the republican party is proposing some change in our money."³³⁶ Leslie M. Shaw, a lawyer-banker of Deni-

³²⁹ *Farmer's Tribune* (Des Moines), September 30, 1896.

³³⁰ *Des Moines Leader*, July 12, 1896, with an account of a rousing meeting at Winterset, in Madison County.

³³¹ *Farmer's Tribune* (Des Moines), October 28, 1896.

³³² *Farmer's Tribune* (Des Moines), September 23, 1896.

³³³ *Iowa State Register* (Des Moines), July 31, 1896.

³³⁴ *Iowa State Register* (Des Moines), August 25, 1896.

³³⁵ *Iowa State Register* (Des Moines), September 4, 1896.

³³⁶ *Fort Dodge Messenger* (Semi-weekly), July 3, October 16, 1896; *Des Moines Leader*, August 18, 1896; *Iowa State Register* (Des Moines), August 23, 1896.

son, has been pronounced "the miracle man of the hustings that year."³³⁷

The anti-Bryan Democrats were also a factor. The *Davenport Democrat* denounced its party platform in an editorial entitled, "*National Honor Is Above Party Fealty*".³³⁸ *Der Demokrat*, of the same city, announced a shift to McKinley.³³⁹ The *Des Moines Leader* opposed Bryan but supported the Democratic State ticket.³⁴⁰ Other papers that failed to follow the party on the money issue were the *Burlington Gazette*, the *Waterloo Tribune*, and the *Staats-Anzeiger* of Des Moines.³⁴¹ The *Dansk Folketidende*, an Audubon County paper edited by a Democrat, went into the McKinley camp.³⁴² A. C. Ficke, a Davenport Democrat, wired from Germany that he would support McKinley.³⁴³ The money issue was driving German elements from the Democratic party as the prohibition issue had earlier driven them from the Republican party. The *Iowa State Register* observed that Iowa had 127,245 citizens of German birth and added, they "are good troops this year."³⁴⁴

Iowa gold Democrats met in conference at Des Moines on August 4th and sent a delegation to the Indianapolis convention, which nominated Palmer and Buckner. Henry Vollmer, mayor of Davenport, became chairman of the State committee of the gold Democrats. A State convention at Des Moines on August 26th was attended by about seven hundred delegates from ninety-three counties. The

³³⁷ Cole's *A History of the People of Iowa*, p. 492.

³³⁸ *Davenport Democrat*, July 12, 1896.

³³⁹ *Fort Dodge Messenger* (Semi-weekly), July 14, 1896.

³⁴⁰ *Des Moines Leader*, August 11, 1896.

³⁴¹ *Davenport Democrat*, July 24, 1896; *Iowa State Register* (Des Moines), August 29, 1896.

³⁴² *Iowa State Register* (Des Moines), August 25, 1896.

³⁴³ *Iowa State Register* (Des Moines), July 22, 1896.

³⁴⁴ *Iowa State Register* (Des Moines), July 24, 1896.

largest delegation, numbering thirty-three, was from Scott County. The convention adopted a State platform and endorsed Palmer and Buckner, without nominating a State ticket. The *Des Moines Leader* reported that the delegates denied they wanted to elect McKinley but were "not backward in saying that should it become apparent that there is a possibility of carrying the State with free silver republican votes for the Bryan electoral ticket, they will say nothing, but vote for McKinley."³⁴⁵

The State Bankers' Association championed the gold standard, opposed free silver, and advocated the retirement of the legal tender paper money.³⁴⁶ Business men of Des Moines organized a "non-partisan" association to support McKinley.³⁴⁷ Steps were also taken to organize railway employees in the interest of sound money.³⁴⁸ The *Iowa State Register* endeavored to emphasize the protective tariff policy and to point out the advantages of Republicanism to labor. A Populist confided to a co-worker uneasiness over the labor vote and complained that the "plutes" were playing town against country.³⁴⁹ Newell Dwight Hillis reported finding Iowa rural Populists sore over trade unions and high wages in cities and desirous of reducing the purchasing power of wages through free silver.³⁵⁰ Professor Jesse Macy, writing of earnest group discussions and street-corner conversations, noted that, while a few

³⁴⁵ *Des Moines Leader*, August 26, 27, 1896; *Iowa State Register* (Des Moines), August 5, 27, 1896; *Council Bluffs Weekly Globe*, August 28, 1896.

³⁴⁶ *Dubuque Daily Telegraph*, May 30, 1896.

³⁴⁷ *Farmer's Tribune* (Des Moines), September 30, 1896.

³⁴⁸ *Iowa State Register* (Des Moines), September 18, 1896.

³⁴⁹ Letter from A. W. C. Weeks to L. H. Weller, dated October 22, 1896, in the *L. H. Weller Papers* (Wisconsin Historical Society).

³⁵⁰ Hillis's *An Outlook upon the Agrarian Propaganda in the West in The American Review of Reviews*, Vol. XIV, pp. 304, 305 (September, 1896).

Republicans were for Bryan, the silver party was having a hard time showing that free coinage of silver would not mean monometallism. "The Republicans", he observed, "commit themselves to no definite policy for the settlement of the standard of value"³⁵¹, although a majority were in favor of the gold standard.

In spite of early feelings that Bryan would carry the State, hopes of a victory for free silver showed signs of decline toward the end of the contest. The *Farmer's Tribune* found it necessary to deny the claim that gold sentiment and expectation of McKinley's election were the reasons for the advance in the price of wheat of seventeen cents per bushel.³⁵² The *Winterset Review* said, "If Bryan is defeated it will be because Sewell [*sic*] remained on the ticket."³⁵³ The Populist State chairman complained of lack of funds and of financial inability to meet urgent calls for speakers and literature.³⁵⁴ The annual meeting in September of the Iowa branch of the Southern Alliance at Council Bluffs was poorly attended, partly because of the expense. This order had become too weak to be an aid to Populism or free silver.³⁵⁵ To advance the Republican cause, however, three thousand speeches were delivered and nearly six million pieces of literature were circulated within the State during the campaign.³⁵⁶ While a Republican poll early in the campaign indicated much sentiment favorable to free silver, a second poll ten weeks later led to the claim

³⁵¹ Letter from Jesse Macy in *The American Review of Reviews*, Vol. XIV, p. 526 (November, 1896).

³⁵² *Farmer's Tribune* (Des Moines), October 28, 1896.

³⁵³ *Winterset Review*, October 20, 1896.

³⁵⁴ *Farmer's Tribune* (Des Moines), September 30, 1896.

³⁵⁵ *Farmer's Tribune* (Des Moines), September 16, 1896.

³⁵⁶ *Iowa State Register* (Des Moines), November 6, 1896; *Des Moines Leader*, November 7, 1896.

that McKinley would carry the State by a plurality of 75,000.³⁵⁷ Though such forecasts usually reflect hopes rather than estimates, this claim proved fairly accurate.

The total State vote at the November election was approximately one-fourth of the total population. The vote for McKinley was 289,293, or 65,552 more than that received by Bryan. A vote of 4516 was cast for the gold Democratic ticket, while Levering, Prohibition candidate for President, polled 3192. The Republican State ticket was less than a thousand below the McKinley vote. In the congressional contests, the smallest numerical victory for the Republicans was in the eighth district, where Hepburn received a majority of 827.³⁵⁸

The vote for McKinley was 69,790 more than the Iowa vote for Harrison in 1892. The Bryan vote was 7114 more than the combined Democratic and Populist votes of 1892. The *Des Moines Leader* estimated that 20,000 Republicans voted for Bryan and that 50,000 Democrats voted against him.³⁵⁹ In distribution the Bryan vote was widely different from the Cleveland vote of 1892. It was calculated that twenty-eight counties, which together had given Cleveland a plurality of 19,354, gave a net plurality of 11,568 to McKinley.³⁶⁰ Bryan carried only eleven of these twenty-eight counties. Clinton, Dubuque, and Scott, all bordering on the Mississippi, had given Cleveland pluralities of 1756, 3305, and 3208, respectively, but Dubuque gave Bryan a plurality of only 1367. Clinton gave McKinley a 994 lead over Bryan, and Scott went Republican by a plurality of 2417. Bryan carried six counties which Cleveland had not

³⁵⁷ *Des Moines Leader*, October 28, 1896; *Iowa State Register* (Des Moines), November 6, 1896.

³⁵⁸ *Iowa Official Register*, 1897, pp. 251-257.

³⁵⁹ *Des Moines Leader*, November 6, 1896.

³⁶⁰ *Des Moines Leader*, November 6, 1896.

carried in 1892.³⁶¹ These were all in the southern and western parts of the State.

Charges of Republican fraud were not lacking. Noting the high proportion of votes to the total population of the State, the *Farmer's Tribune* claimed that gigantic ballot box stuffing was produced by Hanna money. C. S. Wilson, member of the silver Republican, or non-partisan State committee, said the McKinley forces rolled up 80,000 more votes than they were entitled to.³⁶² There was further complaint that bi-partisan election boards had included Republicans and gold Democrats, to the disadvantage of the silver forces.³⁶³

But a firmer union in the face of defeat was asked in a joint statement by representatives of the Democratic, silver Republican, and Populist State committees.³⁶⁴ Commenting on the election, General Weaver noted three results: a "harmonious alliance of all the bimetallic and anti-monopoly elements within the state", the expulsion of railroad lobbyists and corporation apologists from the allied forces, and the polling for Bryan of "a larger vote than was ever cast within the state for a republican candidate prior to the present year."³⁶⁵

The Iowa Populists, according to one estimate, furnished about 30,000 of the Bryan votes.³⁶⁶ Another estimate gave the Populists credit for one-fourth of the fusion votes, or more than 50,000.³⁶⁷ The *Iowa State Register*, in reviewing

³⁶¹ *Iowa Official Register*, 1893, pp. 119-192, 1897, pp. 249, 250.

³⁶² *Farmer's Tribune* (Des Moines), November 11, 1896.

³⁶³ *Farmer's Tribune* (Des Moines), June 2, 1897.

³⁶⁴ *Farmer's Tribune* (Des Moines), November 11, 1896.

³⁶⁵ *Farmer's Tribune* (Des Moines), November 18, 1896.

³⁶⁶ *Des Moines Leader*, November 6, 1896.

³⁶⁷ Haynes's *Third Party Movements Since the Civil War with Special Reference to Iowa*, p. 371; quoting the *Clinton Semi-Weekly Age*, November 6, 1896.

the election, gave praise to the sound money Democrats and observed: "This is a state without a blight of Populism. It is a business man's state."³⁶⁸ For the third party this campaign proved to be a climax and a confusion. From the internal split it experienced this year the People's party never recovered. Its Iowa following, never large, tended to disappear with the return of prosperity. Our concern is now with a brief view of that decline and an attempt to make a general estimate of the movement.

DECLINE AND SIGNIFICANCE OF THE MOVEMENT

The Iowa Populist party after 1896 went into eclipse in two sections. One wing, which included J. B. Weaver, W. H. Robb, J. Bellangee, E. T. Meredith, and the *Farmer's Tribune*, continued to coöperate with the Democrats. Another wing, which included L. H. Weller, A. W. Ricker, C. A. Lloyd, A. W. C. Weeks, and the *Winterset Review*, fought for the middle-of-the-road program. The *Farmer's Tribune*, facing the national situation, observed that the "several schools of self-styled middle of the roaders all agree in abusing Allen, Butler, Taubeneck, Weaver & Co., but no two of them agree on what is the proper course for the party to pursue."³⁶⁹ Thomas E. Watson and Ignatius Donnelly did not escape criticism from this paper.³⁷⁰ Within the State it meted out sharp rebukes to the *Winterset Review* and Weller's *Independence Advocate*.³⁷¹ The talk about harmony was more of an aspiration than a reality.

A "triple alliance" group of Iowa Populists, silver Republicans, and silver Democrats held a conference at Des Moines in December, 1896. This resulted in the prepara-

³⁶⁸ *Iowa State Register* (Des Moines), November 6, 1896.

³⁶⁹ *Farmer's Tribune* (Des Moines), January 27, 1897.

³⁷⁰ *Farmer's Tribune* (Des Moines), May 26, 1897.

³⁷¹ *Farmer's Tribune* (Des Moines), April 14, June 9, 1897.

tion of an address on silver and party coöperation, which was signed by a large committee, including J. B. Weaver and J. S. Murphy.³⁷² A silver State ticket was named by triple conventions at Des Moines on June 23, 1897. All three elements of the "triple alliance" secured places on the ticket. Fred E. White, Democrat, was named candidate for Governor and S. B. Crane, Populist, for Railroad Commissioner. The Democratic platform was also accepted by the Populist group. But there was friction over the division of the ticket, with criticism of fusion from Weeks and Weller. A number of middle-of-the-roaders bolted the Populist convention and elected Weeks as their chairman.³⁷³ This action was followed by the resignation of Weller and four others of the eleven district members of the fusionist Populist State committee.³⁷⁴

The Republican legislature had in the meantime prepared a legal lever to expedite the Populist split. The ballot law was amended in the spring of 1897 in such a way as to restrict the ballot from indicating more than one party nomination for a candidate.³⁷⁵ As a result the Populists to carry out fusion found it necessary to vote under the straight Democratic party name. This left the way open for the middle-of-the-roaders to make full use of the Populist party name, though the fusionists sought court aid to prevent it.³⁷⁶ In August a middle-of-the-road State con-

³⁷² *Farmer's Tribune* (Des Moines), February 10, 1897.

³⁷³ *Farmer's Tribune* (Des Moines), June 30, 1897. The *Farmer's Tribune* said the number of bolters was twenty-seven, including a few who were not delegates, while the daily papers estimated the number from one-fourth to one-half of the convention.

³⁷⁴ *Farmer's Tribune* (Des Moines), August 11, 1897, quoting the *Des Moines News*; letter from J. Bellangee to L. H. Weller, dated July 25, 1897, in the *L. H. Weller Papers* (Wisconsin Historical Society).

³⁷⁵ *Code of 1897*, Ch. III, Sec. 1106; *Farmer's Tribune* (Des Moines), June 9, 30, 1897.

³⁷⁶ *Farmer's Tribune* (Des Moines), September 15, October 6, 1897.

vention was held at Des Moines and addressed by Senator Peffer, of Nebraska. A platform was adopted and a full ticket was nominated, with Charles A. Lloyd of Muscatine County for Governor.³⁷⁷

Lloyd received 5295 votes in the election, with county votes ranging from four in Franklin to 346 in Madison. His State vote was approximately one thousand ahead of that of the gold Democratic candidate and nearly three thousand below the vote for Leland, Prohibitionist. White, the fusion Democrat, received 194,853, while Leslie M. Shaw, Republican, received 224,729.³⁷⁸

The anti-fusion Populist ticket polled a still smaller vote in the State in 1898 when Weaver came within 1471 votes of success as a Democratic congressional candidate with the support of fusion Populists and free silver Republicans.³⁷⁹ At the same time Weaver's old associate, E. H. Gillette, had the second place on the Democratic State ticket. In the midst of the campaign it was a Populist charge that the third party was "split from stem to stern anyhow" and that "SEXTON WEAVER WOULD BURY THE PEOPLE'S PARTY".³⁸⁰ Further factional strife developed among the anti-fusion leaders themselves.³⁸¹ The Weaver element naturally sup-

³⁷⁷ *Farmer's Tribune* (Des Moines), August 18, 25, 1897. The *Farmer's Tribune* claimed the convention was made up of thirty-eight delegates chiefly from five counties, though other reports indicated a larger convention. Weeks, of the State committee, had written to Weller with reference to the convention: "Say — get double delegations from all counties you can — A crowd is what we need — D—n how they get there so they are true blue."—Letter from A. W. C. Weeks to L. H. Weller, dated August 10, 1897, in the *L. H. Weller Papers* (Wisconsin Historical Society).

³⁷⁸ *Iowa Official Register*, 1898, p. 229.

³⁷⁹ *Iowa Official Register*, 1899, pp. 227, 232.

³⁸⁰ Letter from A. W. C. Weeks to L. H. Weller, dated July 11, 1898, in the *L. H. Weller Papers* (Wisconsin Historical Society); *Winterset Review*, October 26, 1898.

³⁸¹ Letter from A. W. Ricker to L. H. Weller, dated January 19, 1898, in the *L. H. Weller Papers* (Wisconsin Historical Society).

ported Bryan and fusion in 1900, with S. B. Crane, leader of the Populist ticket in other days, at the head of the Democratic State ticket. A. W. Ricker and C. A. Lloyd showed a shift from anti-fusion Populism to the State organization of the Debs Socialists.³⁸² The anti-fusion Populist vote in Iowa this year was less than 700, while the Debs party polled over 2700 and the Prohibition vote exceeded 9000. The Republicans rolled up a plurality of nearly 100,000.³⁸³

The Populist party forces had thus become dissipated on the eve of the election of A. B. Cummins to the governorship over the opposition of pro-railroad politicians. A few die-hard leaders kept the People's party name on the ballot a few years longer. Weller got 782 votes for Governor in 1901 and 590 in 1903, trailing Socialist and Prohibition candidates afar. Watson for President received an Iowa vote of 2195 in 1904 and only 252 in 1908. It was past the time for a funeral. J. B. Weaver, E. T. Meredith, and other conservative Populists lined up with the Democratic party, while some of the more radical leaders found their way into Socialist groups, but the widening margin that separated the two major parties in voting strength after 1897 suggests that much of the Populist rank and file was absorbed by the progressive wing of the Republican party.

After the close election of 1891 the Populist party never registered a balance of power in the State at large. It failed to reach the relative strength of the earlier Greenback party, while the latter had failed to equal the Anti-Monopoly party that accompanied the Grange climax in the seventies. The third party waves show a significant recedence as Iowa became a more diversified farming section, as grain growing came more and more to be supplemented

³⁸² *Iowa Official Register*, 1901, p. 272.

³⁸³ *Iowa Official Register*, 1901, p. 358.

by live stock and dairying. There was an economic conservatism that tended to restrain Democrats from fusing and Republicans from enlisting with the Populist party. The Populist program seemed to Iowa to be revolutionary and the Iowa farmers wanted reform, not revolution.

The Populists put general and sweeping issues forward to the relative neglect of local and immediate reforms. The *Cedar Rapids Republican* said of the money question: "The Populists . . . by pressing the issue . . . have pushed it into the first place in the thoughts of the nation."³⁸⁴ Iowa Populism was conspicuous for its connection with the national movement. The *Farmer's Tribune* noted that the Populist party's issues were entirely national, and a county committee chairman remarked, "Our principles are so far of national character, and we have not bothered much with state matters."³⁸⁵ Such a policy, with emphasis on monetary issues, was not generally attractive to voters in a State where there was much concern over the prohibition question and the immediate regulation of railroads.

The farmer chose to register his will on both these questions chiefly through the Republican party. It was largely through this party that the Iowa Farmers' Alliance exerted its successful influence in the interest of railway regulatory legislation and other reforms in the late eighties. Fourteen years later the farmers rallied to the leadership of Cummins and again through the Republican party struck down railroad bossism in Iowa politics. These Larrabee and Cummins fights were both made at times when the third party movement was at low tide. The Populist party, in

³⁸⁴ *Farmer's Tribune* (Des Moines), May 29, 1895, quoting the *Cedar Rapids Republican*.

³⁸⁵ *Farmer's Tribune* (Des Moines), November 8, 1894, September 1, 1895. The latter gives a statement by J. B. Puckett, chairman of the Polk County central committee of the People's party.

spite of, or because of, its radical stand on the railroad question, failed to capitalize this issue which was of vital interest to Iowa farmers. Moreover, the wide fluctuation in the popular demand for reform was not favorable to the continuity of a third party. "Periodically and spasmodically, the people rise in their might and overthrow the bosses, as they did when they destroyed the Blythe-Hubbard dynasty in 1900, but the wecked [*sic*] come into their own again."³⁸⁶ The recurrence of agrarian protests on the railroad question, extending from the rise of the Grange to the rise of Brookhart, have been manifestations more of the "boring from within" the major party than an impetus to or from a third party.

Yet the Populist party in this State attracted an attention out of proportion to its numerical strength. This was due partly to the State and national leadership of James B. Weaver, for many years the *bête noir* of the *Iowa State Register*, and partly to the feeling that his party might exercise the balance of power between the major parties. It was due further to the fact that economic grievances of Iowa farmers were not a Populist monopoly and to the fears of the orthodox that the farmers might swell the ranks of the third party instead of trusting for results "at the hands of one of the old parties."³⁸⁷ As a sign and a fringe of a larger current of unrest, the Populist party thus served as a sort of alarm signal to strengthen the left-wing elements of the major parties. This influence was more or less permanent, for as the Populist party dissolved it furnished recruits to the left wings of the old parties.

Subsequent insurgent or progressive activities have

³⁸⁶ Clipping from the *Grinnell Gazette*, February, 1904, in the *A. B. Cummins Papers* (Historical Department of Iowa).

³⁸⁷ *Sanborn Pioneer*, May 14, 1891; *Adair County Democrat*, November 9, 1893.

tended to keep alive the memory of Populism in Iowa. Former Populists are prone to associate that movement in a causal manner with the social and economic politics of later days. One old warhorse of Iowa writes that "the populist members of Congress were the school masters of the world" and that "after being drilled and educated in Populist schools even a republican may vote right some time."³⁸⁸ "General Weaver", says one who was closely associated with him, "inaugurated the movement for the recreating of social and industrial life in decenter forms."³⁸⁹ Achievements in the field of social legislation are listed and pointed to as the fulfillment of Populist demands. Connection is thus found not only with the work of Bryan, but with the Roosevelt and Wilson domestic program. Such claims, however, are discounted in conservative circles.

But Populism must at least be associated with prophecy. It foreshadowed a larger sphere of public control of economic activity. In Iowa the movement was, furthermore, a manifestation of the shifting from sectionalism toward class divisions in politics. Iowa was becoming more capitalistic, though remaining an agrarian section, and radical Populism could not here withstand the readjustment of agriculture to the disappearance of the frontier. Iowa agriculture was destined to improve its relative position through a reduction of the amount of empty space into which western agriculture might expand and through an increase in the markets for farm products. The Populist diagnosis of the conditions of the times failed to take full account of such tendencies. These phases of western development were, nevertheless, observed by non-Populists, who

³⁸⁸ Letter from Perry Engle of Newton to the writer, undated, 1924.

³⁸⁹ Evans's *An Appreciation of General Weaver*, clipping in the papers of H. C. Evans of Des Moines.

offered explanations that in fragmentary form anticipated or reinforced Professor F. J. Turner's general interpretation, *The Significance of the Frontier in American History*, which was given to historians in 1893.³⁹⁰ Iowa Populism was to no small degree produced and destroyed by different stages of the westward movement.

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³⁹⁰ In Iowa the paper of George E. Roberts was particularly skillful in explaining the troubles of the farmers as due to the rapid westward agricultural expansion and as destined to change through an improved agriculture and the cessation of expansion into new lands. The Homestead Law, it observed, "invited all the world to come and get 160 acres," the world and the railroads came, and prices went down. "Iowa farmers have suffered, they have been compelled to look elsewhere for paying prices. The dairy, good horses and good cattle have offered relief that many have accepted. The State is fairly over the effects of bringing so much new land under cultivation."—*Fort Dodge Messenger* (Weekly), May 18, 1893.

The Iowa Homestead had for some years been noting the growth of western range cattle competition and urging Iowa farmers to improve their breeds and methods. Not long after the appearance of Professor Turner's paper, this journal said: "Farming in the West has suffered beyond measure from the work of the soil robber. He has moved from the East to the West by renting and skinning the land, and then moved on to fairer fields and pastures new until there is no further West, and it is now a question whether this type of farmers will change their aims and become practical, improved farmers or whether they will eke out a miserable existence on their impoverished acres, sell them and go into some other business, or have them sold from under them under the red flag of the sheriff. . . . The time has gone by when farming can be done by pure strength and awkwardness."—*The Iowa Homestead* (Des Moines), November 9, 1894.

More extensive discussions of the influence of agricultural expansion and of the disappearance of the frontier are given in Davis's *The Exhaustion of the Arable Lands in The Forum*, Vol. IX, pp. 461-474 (1890); Wiman's *The Farmer on Top in the North American Review*, Vol. CLIII, pp. 13-22 (1891); and Harris's *What the Government Is Doing for the Farmer in The Century Magazine* (New Series), Vol. XXII, pp. 465-472 (1892).

DENMARK — AN EARLY STRONGHOLD OF CONGREGATIONALISM

The Puritan stalks through many a page in the history of the United States. The exodus of the Puritans from Old England to New England was followed by migrations of Congregational pioneers to the States carved out of the Northwest Territory, to regions across the Mississippi River, and to the far West beyond the Rockies.¹ Like his forerunner, the Puritan, the Congregationalist had a passion for the perfect state and this made him a force to reckon with in politics. He espoused the cause of the Indian and the slave;² the temperance movement found in him an enthusiastic advocate;³ and none perhaps did more than he to blaze the way across the continent for free public education — primary, secondary, and collegiate.⁴ To him religion and education went hand in hand.

In the settlement of the Old Northwest, streams of immigrants from the New England, the middle, and the southern States mingled, often forming communities with "all sorts and conditions of men" and not a few "out of sorts". Often the middle and southern elements predominated. This was true in parts of Illinois and also in Iowa where the

¹ Walker's *A History of the Congregational Churches in the United States*, pp. 370-392.

² Abel's *The History of Events Resulting in Indian Consolidation West of the Mississippi* in the *Annual Report of the American Historical Association*, 1906, Vol. I, p. 377; Magoun's *Asa Turner and His Times*, p. 230. Turner was an avowed advocate of abolition.

³ Mode's *Source Book and Bibliographical Guide for American Church History*, p. 424.

⁴ Cubberley's *Public Education in the United States*, pp. 72, 198.

New England element was numerically weak.⁵ Wherever it existed, however, it proved a leavening lump.

Puritanism, under its newer name of Congregationalism, marched westward from New England through New York, Ohio, Michigan, Indiana, and Illinois to Iowa, largely under the direction of missionary societies. Chief among these was the American Home Missionary Society created on May 10, 1826, on the basis of joint association among Congregationalists, Presbyterians, and a few members of the Dutch Reformed Church. One branch of the Presbyterians — the Old School — withdrew in 1837, but the New School Presbyterians continued their support until 1861, when the society became essentially Congregational.⁶

The American Home Missionary Society aimed at the establishment of a pastor in every western community. For this purpose the society sent out missionaries — usually young men who were graduates of eastern colleges and theological seminaries — paying their travelling expenses and their salaries until churches could be organized strong enough to stand on their own feet financially.⁷ The duties of the missionaries — so important in the spreading of New England ideas, as outlined in *The Home Missionary* of May, 1830 — were preaching the gospel, organization of new churches, visitation of the sick, establishment and supervision of Sabbath and Bible schools, the holding of prayer meetings, and the promotion of education and temperance.⁸

⁵ Herriott's *Did Emigrants from New England First Settle Iowa?*, pp. 7, 10, 29, 30, 34, 35; see the maps in Mathews's *The Expansion of New England*.

⁶ Walker's *A History of the Congregational Churches in the United States*, pp. 328, 329; see the maps in Mathews's *The Expansion of New England*.

⁷ Magoun's *Asa Turner and His Times*, pp. 83, 89; Mode's *Source Book and Bibliographical Guide for American Church History*, p. 432.

⁸ Mode's *Source Book and Bibliographical Guide for American Church History*, pp. 423, 424; *Life and Labors of Rev. Reuben Gaylord*, p. 92.

Congregationalism, in close association with Presbyterianism, had begun to take root in Illinois during the third decade of the nineteenth century. Both had been preceded by more emotional denominations, whose members, chiefly of southern origin, regarded the stately and learned Congregational ministers as too exotic for the raw western soil. Despite such prejudices there was a steady and promising growth of Congregational organizations in Illinois, due to a large extent to the heavy immigration to northern Illinois of New England people, rather than to accessions from other denominations. A much cherished Congregational ideal was realized in 1830, when the Congregational ministers in Illinois, aided by eastern friends, opened Illinois College at Jacksonville. One of the promoters and trustees of this college was Reverend Asa Turner, who more than any other one man deserves to be called the founder of Congregationalism in Iowa.⁹

The formative period of the life of Asa Turner would make a fruitful subject for the student of American psychology,¹⁰ since it throws a flood of light on Puritan personality in general and early Congregationalism in Illinois and Iowa in particular. The ancestral home of Asa Turner was in Templeton, Worcester County, Massachusetts, where he was born on June 11, 1799. Of his home training we may judge from the following quotation from his younger brother, Jonathan: "I never heard my father make any appeal to us on the personal ground that he was our father, 'Moses-fashion'; it was always on the higher ground, 'Christ-fashion; Jonathan, do you think that is right?'"¹¹

Like so many Congregationalists at the close of the eighteenth century, the Turner family had drifted into Uni-

⁹ Magoun's *Asa Turner and His Times*, pp. 80, 81, 85, 98, 103, 104, 105.

¹⁰ O'Higgins and Reece's *The American Mind in Action*, pp. 1-49.

¹¹ Magoun's *Asa Turner and His Times*, pp. 16, 21.

tarianism, with the result, so it seemed to young Turner, that their religious life had lost much of its earlier vigor and spontaneity. This grieved him, for he felt himself to be "naturally religious" and believed that he was "in bondage through fear of death". He used to pray that God would manifest himself to him in some visible form or work a miracle to make him feel that he existed. One night while he was engaged in his usual prayer, he thought that a light lit up the room and he felt a joy such as he had never felt or conceived of before. But reading a little while after in *Corinthians* that Satan "transformed himself into an angel of light", he again had fears and "wandered in darkness many months". No one could comfort him, and he was left alone to struggle through to a conviction which was so deeply rooted in personal experience that it marked his whole future life. It made him a serious-minded youth, who, for instance, refused to attend dances although at that time dancing was thought to be a proper diversion for the young people of Templeton.¹²

Turner emerged from this religious crisis with a more orthodox and evangelical conception of Christianity and Congregationalism, a conception which placed the supreme emphasis upon the Bible itself as the Word of God and considered all opinions about the Bible as of secondary importance. It was a matter of great satisfaction to him that his parents came to accept the same views. They may be said to have been his first converts.¹³

Shortly after this religious experience he began to preach occasionally and while teaching a public school he used to begin the school day with prayer and reading from the Bible. This was not acceptable to the school board and at a school meeting the president reminded him that he had been

¹² Magoun's *Asa Turner and His Times*, pp. 29, 30, 31, 32, 33.

¹³ Magoun's *Asa Turner and His Times*, pp. 37, 38, 39, 41.

hired to teach and not to preach. Turner's answer, "whether it be right in the sight of God to hearken unto you more than unto God, judge ye", cut off further discussion.¹⁴

A young man with so firm religious convictions would naturally feel the call to be a minister of the gospel. With this end in view he prepared for college at Amherst Academy, where Mary Lyon also was a student at the time. In 1823 he entered Yale College graduating in 1827. Three years later graduation from Yale Theological Seminary completed his preparation for a career as a Congregational minister and missionary.¹⁵

In 1830 occurred the event which was to change the whole course of his future life. A band of students was formed for the purpose of going to Illinois to plant institutions of learning and to preach the gospel. Turner was invited to join and he accepted the invitation. At the same time he "found one who was willing to cast in her lot" with him and go to that "unknown land", for Illinois was then less known in the East than India. The lady of his choice was Miss Martha Bull, a Boston school teacher.¹⁶

The young couple were sent by the Home Missionary Society to Quincy, Adams County, Illinois, so wicked a place that it was thought that preaching the gospel there would be like throwing pearls before swine. Turner soon proved the falsity of this opinion, however, for on December 1, 1830, he formed a congregation, typical of many western Congregational churches, consisting of "three Baptists, three Congregationalists, four Presbyterians, and five from the world." Though never formally installed as pastor he served this congregation until 1838. During those eight

¹⁴ Magoun's *Asa Turner and His Times*, pp. 38, 41.

¹⁵ Magoun's *Asa Turner and His Times*, pp. 43, 45, 56, 64.

¹⁶ Magoun's *Asa Turner and His Times*, pp. 60, 62, 64, 67.

years he made extensive missionary journeys in the interest of the Home Missionary Society, both in Illinois and Iowa; and he espoused ardently both temperance and abolition. When Reverend Elijah P. Lovejoy was killed in Alton, Illinois, a city about a hundred miles south of Quincy, Turner preached a sermon on the text: "Fear not them that kill the body", declaring that every man had a right to the product of his own labor, and that abolitionists wanted free speech, a free press, and all the freedom God had given every man, guaranteed to him both by the Declaration of Independence and the Federal Constitution.¹⁷

The violent reaction to Turner's abolitionist activities was one of the causes which induced him to seek fresh fields more congenial to Puritan ideals than southern Illinois. Such a place he found at Denmark, Lee County (Des Moines County until 1836), Iowa, where a group of "Yankees" in 1836 had founded the first New England settlement in the Black Hawk Purchase.¹⁸

Early in 1836 — before the arrival of the first New England settlers — Turner in company with the Congregational minister at Mendon, Illinois, made a missionary tour in the Iowa country. They journeyed through the territory now included in nine of the eastern counties of Iowa, then a green wilderness, passing the prairie on which the village of Denmark was later located. "Mr. Turner may have admired the clump of hickories which stood there, but that naked uninhabited prairie was forgotten as soon as it was passed; but with what an earnest gaze would he have scanned it had he foreknown that he was there to do his

¹⁷ Magoun's *Asa Turner and His Times*, pp. 72, 91, 96, 114, 118, 121, 138, 164, 167.

¹⁸ Magoun's *Asa Turner and His Times*, pp. 159, 160, 165, 184; *The History of Lee County, Iowa* (1879), p. 671. In a way Turner may be said to have been the founder of the settlement for it was through him that the first New England settlers at Denmark had become interested in Iowa.

life's work, and love it better than any other place on earth."¹⁹ They preached at Fort Madison, Burlington, and other places, and stopped at Dubuque which they "did not then call a civilized place". True, there were "some half breeds some whole breeds and a few miners, but it wasn't anything, anyhow." All the West lay spread out in all its primitive beauty just as the Lord made it. Bloomington (Muscatine) had only one cabin; Davenport had two, one unfinished. Yet returning from the tour to Illinois, Turner reported that the country was so beautiful that "there might be an unwillingness to exchange it for the paradise above", and "for enterprise, intelligence and industry," the settlers far surpassed those who first settled Illinois.²⁰

The first settlers at Denmark had arrived in June, 1836. These were joined by a larger contingent in October. All except one were from New England, and since they had been brought up there "under the droppings of the sanctuary", they at once "erected an altar unto the Lord" by meeting regularly on the Sabbath for worship. Reverend William Apthorp, who appears to have been the first resident Congregational minister in Iowa, preached to them a part of the time during the years 1837 to 1838. In the fall of 1837 the settlers invited Reverend Asa Turner and Reverend Julius Reed to assist them in organizing the Congregational Church of Denmark—the first permanent Congregational church west of the Mississippi River. Of this event Reverend Turner has left the following account:

Such as wished to enter into a covenant with each other and with God as a church of Christ, related their Christian experience, the ground of their hope, and their motives in wishing to constitute themselves a branch of Christ's visible Church. The examination was regarded as satisfactory. Accordingly, May 5, 1838, thirty-

¹⁹ Reed's *Reminiscences of Early Congregationalism in Iowa*, pp. 3, 4.

²⁰ Douglass's *The Pilgrims of Iowa*, pp. 19-23.

two individuals assented to the Articles of Faith, and covenanted with one another to serve the Lord. The day was pleasant, and the occasion one of great interest to the little immigrant band. They were the first to unfurl that banner on the west side of the Mississippi which more than two hundred years before their fathers unfurled over the Plymouth Rock; the first to profess those doctrines and embrace that church polity beyond the "Father of Waters," which has blessed New England from generation to generation. The infant church stood alone on the outskirts of civilization, farther west than any other that bore the family name, cherishing the hope that their doctrines and polity might roll west with the wave of emigration.²¹

The congregation adopted a Covenant, Rules, and Articles of Faith in which they declared that the Bible is the inspired Word of God; that God exists in three persons; that man is fallen and can be redeemed only through the death of Jesus Christ; and that the work of the Spirit is essential in regeneration. "The subjects and mode of baptism" was left to the individual judgment of the members. The only test of membership was declared to be "satisfactory evidence of Christian character". The young church at once unfurled the banner of prohibition by adopting the rule that "the use and traffic in spirituous liquors, except for medical and chemical purposes, is in our view, inconsistent with Christian character; therefore none shall be received into the church who will not habitually abstain from its use and traffic, except as above mentioned". By accepting the Covenant members furthermore promised to maintain family prayer, support the church, keep the Sabbath holy, and to refrain from "all vain and sinful amusements."²²

²¹ *Manual of the Congregational Church of Denmark, Iowa* (1888), pp. 3, 4; Douglass's *The Pilgrims of Iowa*, pp. 30, 31; Magoun's *Asa Turner and His Times*, p. 182.

²² *Manual of the Congregational Church of Denmark, Iowa* (1888), pp. 7-9; Reed's *Early Congregationalism in Iowa*, pp. 5, 6.

Congregational church government was insured by adopting the Ecclesiastical Principles of which the first two sections read: (1) "Any number of professed Christians united by a covenant for the purpose of maintaining public worship, and the stated observance of religious ordinances, constitute a Christian Church"; (2) "Every church thus constituted possesses within itself all necessary powers for the management of its affairs, and may rightfully regard itself as amenable to no authority or standard except the Word of God; but though thus independent, it should be on terms of mutual and acknowledged fellowship with other churches similarly constituted, and, when circumstances render it expedient, should seek their aid, through ecclesiastical councils, in the administration of its government."²³

The "shanty sanctuary" in which the organization took place was twenty by twenty-four feet. The interior was covered with split oak boards, smoothed with a drawing knife—"antique perhaps, rustic certainly". The floor consisted of loose boards. The pulpit—for several years the only pulpit owned by a Congregational church in Iowa—was made of cottonwood boards on the sides and front, with a black walnut board nailed across the top.²⁴

The new congregation at once called Reverend Turner to be their pastor. He accepted and removed to Denmark soon after, beginning his regular duties in August, 1838. The proprietors of the town of Denmark gave him two outlots for a residence. In 1839 to eke out a living—his salary from the church being for ten years only three hundred dollars a year—he purchased a tract of government land²⁵

²³ *Manual of the Congregational Church of Denmark, Iowa* (1888), pp. 9, 10.

²⁴ Douglass's *The Pilgrims of Iowa*, p. 31; Reed's *Reminiscences of Early Congregationalism in Iowa*, p. 6.

²⁵ Douglass's *The Pilgrims of Iowa*, pp. 32, 33; Reed's *Reminiscences of Early Congregationalism in Iowa*, p. 7; Magoun's *Asa Turner and His Times*, p. 194.

which he farmed during his long pastorate at Denmark.²⁶

The site of Denmark had been green prairie with trees clustering in some of the ravines and along the creeks. After the New Englanders settled there, it was sometimes referred to as "Yankee Heaven". The "Yankees" themselves first called it "Big Haystack" or "The Haystack", the name originating from a haystack which was common property.²⁷ The township seems to have been named Denmark in 1835 or 1837 and the village was given the same name when it was laid out in the latter year. A second survey was made in 1839. The village was divided into twenty-four blocks, enclosing a park or common as it was originally called.²⁸ When the Turners came "the place called Denmark" consisted of three dwellings and the meeting house. The house in which they spent the first night was called "Copenhagen, the capital of Denmark". It was permitted to stand as a memento of pioneer days years after it had become uninhabitable.²⁹

During the following decades the village and the township continued to receive settlers from New England, most of whom joined the Congregational church. Some of these New Englanders settled outside of Denmark Township,³⁰ but the larger majority of the settlers in Lee County as a whole were from the middle or southern States rather than from New England.³¹

²⁶ Information obtained in March, 1925, from residents of Denmark, Lee County.

²⁷ Douglass's *The Pilgrims of Iowa*, pp. 24, 25; Reed's *Reminiscences of Early Congregationalism in Iowa*, p. 4.

²⁸ Magoun's *Asa Turner and His Times*, pp. 185, 197; Andreas's *Illustrated Historical Atlas of Lee County, Iowa* (1874), p. 37.

²⁹ Magoun's *Asa Turner and His Times*, p. 193; information obtained in March, 1925, from residents of Denmark, Lee County.

³⁰ *The History of Lee County, Iowa* (1879), pp. 807, 808, 868, 873, 878.

³¹ *The Census Returns of the Different Counties of the State of Iowa For 1856*, p. 235.

The industry and enterprise of the people in Denmark shortened the pioneer period with the hardships incident to life on the frontier. Village and settlement soon took on the aspects of a New England community. In a few years hedges inclosed many fields and gardens, orchards yielded an abundance of fruit, and diversified farming insured a steady if not a large income. Better houses, many of which are still standing, were built to take the places of the first rude dwellings. In a short span of years the ten-acre common was shaded by trees set out by the settlers. Around this the houses were built on large lots with liberal allowances for lawns, gardens, and groves. The brick church with its tall and slender steeple, which in time supplanted the first two meeting houses, was located in the central part of the village and was a landmark for miles around. The town had no saloons and no dance halls. Instead there were quiet week days and quieter Sundays when the more faithful members of the congregation attended church three times.³²

The emphasis on religious life brought with it serious contentions. Ten years after the organization of the Congregational Church there was a sufficient number of avowed Baptists to launch a Baptist organization. When this was strong enough to build a church there were difficulties in the way of securing a lot, for all suitable lots were owned by Congregationalists. "In those days", records a local historian, "it cost something to be a Baptist in Denmark." Finally a lot was donated to the Baptists and a church built. The membership of this congregation was never very large. In 1879 it numbered only fifty-nine, but it supported

³² *The History of Lee County, Iowa* (1879), pp. 671, 867, 875; Douglass's *The Pilgrims of Iowa*, pp. 24, 32; information obtained from residents in Denmark and an observation made by the author while visiting Denmark in March, 1925.

an active religious life in strict accordance with Baptist teachings.³³

The Congregational Church of Denmark had thirty-two members on the day of its organization. About a year later Reverend Turner reported that "some have left and others have come; we now number about sixty."³⁴ In 1846 the membership had risen to one hundred and thirty.³⁵ Throughout Turner's thirty years pastorate the Denmark church continued to have a larger membership than most other Congregational churches in Iowa. Only the Grinnell church had more members than the Denmark church in 1866 when the former had two hundred and ninety and the latter two hundred and fifty-four.³⁶

The year 1840 was one of unusual importance to the Denmark church. Though Reverend Turner had been called as pastor in 1838, the official installation did not take place until two years later, when he was installed by the Illinois Association to which the Denmark church had belonged.³⁷ On the same day—November 5th—a convention met at Denmark for the purpose of forming an association of Congregational churches and ministers "in and for the Territory of Iowa". Three churches were represented. The convention adopted a constitution, which stated that the object of the association was mutual inspiration and preservation of harmony among the churches and the licensing, ordaining, and disciplining of ministers. The constitution recognized the independence of the individual churches,

³³ *The History of Lee County, Iowa* (1879), pp. 673, 875; *Brief History of the First Baptist Church of Denmark, Iowa* (1898), p. 3.

³⁴ Douglass's *The Pilgrims of Iowa*, pp. 31, 33.

³⁵ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1846, p. 37.

³⁶ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1866, pp. 17–27.

³⁷ *Manual of the Congregational Church of Denmark, Iowa* (1888), p. 4.

each of which was given a representation of two at the meetings of the association, but only one could vote in cases of discipline.³⁸ The organization of the Congregational Association of Iowa was a significant event in western church history. It was the first Congregational State Association formed west of New York and it virtually marked a termination of the policy of coöperation with the Presbyterians. It "settled the question whether Congregationalism was to have a home in Iowa, and whether Congregationalists would adhere to Puritan policy. One result was that Congregationalists coming into the state, finding churches of their own order, were not disposed to join others and another result was that other denominations meeting little success in their attempts to proselyte . . . gradually abandoned them."³⁹

In addition to his duties as farmer and preacher at Denmark, Reverend Turner assumed those of agent for the Home Missionary Society in 1840 with a mission field which included both the Black Hawk Purchase and the territory acquired from the Indians by the treaty of 1837. From 1840 to 1845 he divided his time between Denmark and this larger field. During his extensive travels in the interest of the Home Missionary Society he found many opportunities for establishing Congregational missions and churches; and though several fellow-workers arrived from the East, he strongly urged that more be sent.⁴⁰ There was work for all who would come.

In 1841 the students of Andover Theological Seminary — a stronghold of conservative Congregational theology with

³⁸ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1840, pp. 3-5.

³⁹ Douglass's *The Pilgrims of Iowa*, pp. 41, 42.

⁴⁰ Magoun's *Asa Turner and His Times*, pp. 223, 224; Reed's *Reminiscences of Early Congregationalism in Iowa*, pp. 7, 8.

an active interest in missions⁴¹ — began to make inquiries about the Mississippi Valley. Several wrote that their minds were “drawn towards the Great Valley”. But Turner was skeptical. He had heard of many ministers “boxed and marked ‘for Iowa’”, but lost on the road. Some of his answers to their queries were amusing. He dispelled their fears of Iowa climate by assuring them that the effect of the climate on healthy persons in going from New England to Iowa was about the same as going from Andover to Lowell. He advised them to get “firm and durable” clothing, “something that will go through the hazel-rough without tearing. Lay aside all your dandy notions which boys learn in college, and take a few lessons of old farmers or grandmothers. The people will not call you Rev. Mr. B., but simply A. B., and your wife Peggy or Polly, or whatever her name may be.”⁴²

The formation of the Iowa Band, which was the result of the interests of these Andover students, has been called the “crowning achievement” of the Congregational Home Missionary Society — an event without a peer in the home missionary work of other denominations.⁴³ Originally the Band numbered twelve — all college men. Only nine, however, started for Iowa in October, 1843. They reached Denmark by way of Buffalo, Chicago, and Burlington, where they were met by Reverend Turner. At Denmark “all were to rest a while, and then scatter.”⁴⁴

“On Sabbath morning, Nov. 5, 1843, the usually quiet town of Denmark was all astir. A great event was to occur. Every child had heard that nine young ministers, fresh from

⁴¹ Walker's *A History of the Congregational Churches in the United States*, pp. 322, 349, 415.

⁴² Magoun's *Asa Turner and His Times*, pp. 225-227.

⁴³ Hill's *A Crowning Achievement*, p. 1.

⁴⁴ Adams's *The Iowa Band*, pp. 14, 19-26; Magoun's *Asa Turner and His Times*, p. 228.

the East, had come to preach in the Territory", seven of whom were to be ordained. The occasion was one of great interest to all, and the humble meeting house—in which the Denmark church had been organized five years before—was crowded. To the ministers already in the field it was a time for special rejoicing. Reverend Reuben Gaylord pronounced it such a day as he had never seen before and never expected to see in his lifetime. "The most I could do, when alone, was to weep tears of joy, and return thanks to God."⁴⁵

Two of the seven newly ordained young ministers were married. These were Daniel Lane who was claimed by a minister-seeking man from Keosauqua and Alden B. Robins who "was ceded" to Muscatine. Harvey Adams was assigned to Farmington, and Horace Hutchinson went to Burlington. Edwin B. Turner and William Salter, "the David and Jonathan" of the company, were sent to the northern part of the Territory to find locations for themselves, the former settling at Maquoketa, and the latter at Cascade. Ephraim Adams was located in Mount Pleasant and Ebenezer Alden at Solon, while Benjamin A. Spaulding was given itinerant work out in the New Purchase of 1842. Before leaving Denmark the members of the Band met in Reverend Turner's study, the last meeting at which they were all together.⁴⁶

Then began the strenuous labors of these young, cultured eastern men. Many adjustments had to be made to the rough and tumble life of the West. There were formidable "errors"—Mormonism, Kneelandism, and Romanism—to combat, and little religious life. A writer in *The Home Missionary* for August, 1842, stated that there were not more than 2133 "professing" Christians in the Territory

⁴⁵ Adams's *The Iowa Band*, pp. 27, 28.

⁴⁶ Adams's *The Iowa Band*, pp. 18, 29-31.

with a population of about 60,000.⁴⁷ Such unfavorable conditions may have retarded, but could not prevent the spread of Congregationalism throughout the State. Churches had been formed near the State line in the north and on the Missouri River in the west before the Civil War.⁴⁸ According to the United States census for 1860, the Congregationalists in Iowa, with seventy-one congregations, ranked below the Methodists, the Baptists, and the Presbyterians, the Methodists leading with three hundred and forty-four congregations.⁴⁹ During this season of planting, Denmark was "the Mecca to which tended all Congregational feet that pressed the soil of Iowa." There Father Turner and his faithful flock nourished the Puritan ideals in religion, education, and political reform. There they planted the school beside the church, after the plan of their Puritan forebears who wrote to the General Court of Massachusetts, upon the establishment of Harvard College: "After God had carried us safe to *New-England*, and wee had builded our houses provided necessaries for our liveli-hood, rear'd convenient places for Gods worship, and settled the Civill Government: One of the next things we longed for, and looked after was to advance *Learning* and perpetuate it to Posterity; dreading to leave an illiterate Ministry to the Churches, when our present Ministers shall lie in the Dust."⁵⁰

⁴⁷ Adams's *The Iowa Band*, pp. 54, 58. For an account of "Kneelandism" see the *Annals of Iowa* (Third Series), Vol. VI, pp. 340-363. A resolution against the spread of the "pernicious principles" of "Popery" was passed by the General Association of Iowa in 1842.—*Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1842, p. 15.

⁴⁸ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1859, pp. 15-19.

⁴⁹ *Eighth Census of the United States*, 1860, Mortality and Miscellaneous Statistics, pp. 389-392.

⁵⁰ Quoted in Mode's *Source Book and Bibliographical Guide for American Church History*, p. 75, from *New Englands First Fruits*; Magoun's *Asa Turner and His Times*, p. 256.

The people who settled Denmark soon provided instruction for their children. In 1837 a school was in operation with Miss Eliza Houston from Lyndeborough, New Hampshire, as teacher. The school was held in the humble structure also used for a church.⁵¹ The Denmark people, too, were among the first in the State of Iowa to demonstrate the practicability of combining smaller schools into larger ones⁵² — the beginning of public secondary education in the State. But they longed for a school under the management of their church and this longing bore fruit in the establishment of Denmark Academy.

Incipient efforts for the founding of this institution may be traced back to 1837 when a group of students at Yale Theological Seminary organized the Iowa Educational Association. Writing about this organization in 1838 one of the members observed: "Our College Association wish to establish upon a firm basis a college for the future state of Iowa, also to encourage and assist in the establishment of academies throughout the district and to lend a helping hand to the general interests of education in the common school department. We shall aim to lay our plans so as to secure an endowment for permanent funds in lands, which may be worth ten years hence two hundred thousand dollars. This can be done with comparative ease in the first settlement of a country, when land is plenty and cheap." These students did not intend to become teachers themselves, but their aim was "to advise and help the people in the all-important work of a thorough education."⁵³

It was not until 1842, however, that the subject of founding an academy was agitated in earnest and then the sugges-

⁵¹ Quinton's *Early Denmark and Denmark Academy* in the *Annals of Iowa* (Third Series), Vol. VII, p. 2.

⁵² Aurner's *History of Education in Iowa*, Vol. I, p. 144.

⁵³ *Life and Labors of Reuben Gaylord*, pp. 82, 91; Magoun's *Asa Turner and His Times*, p. 241.

tion came from Reverend Turner.⁵⁴ On February 3, 1843, the Territorial legislature of Iowa approved an act to incorporate an academy in Denmark, Lee County, to be, "a literary institution for the purpose of instructing youth of both sexes in science and literature". Isaac Field, Reuben Brackett, Oliver Brooks, Hartwell J. Taylor, and Asa Turner were named as trustees. The corporation was given "perpetual succession and power to acquire, possess, retain and enjoy property", and its stock was to consist of (1) the amount arising from the sale of one-half of all the town lots of Denmark, donated by Timothy Fox, Lewis Epps, William Brown, and Curtis Shedd, and (2) shares of twenty-five dollars each. The annual income of the corporation was not to exceed three thousand dollars exclusive of tuition. The trustees were to be elected by the stockholders who had voting power according to the number of shares held. The board of trustees were invested with powers "to appoint subordinate officers and agents, to make, ordain and establish such ordinances, rules and regulations as they may deem necessary for the good government of said Academy, its officers, teachers and pupils".⁵⁵

In September, 1845, Denmark Academy was opened with Reverend Albert Anderson Sturgis (or Sturges), a graduate of Wabash College and Yale Theological Seminary, in charge, at a salary of fifty dollars a year. Instruction was given in the historic Congregational church.⁵⁶ For several years little progress was made. The school was mainly a select school for the village and its environs. "Its very

⁵⁴ Magoun's *Asa Turner and His Times*, p. 242; *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1842, p. 15.

⁵⁵ *Laws of the Territory of Iowa*, 1843, pp. 57, 58.

⁵⁶ Magoun's *Asa Turner and His Times*, pp. 251, 269; Quinton's *Early Denmark and Denmark Academy* in the *Annals of Iowa* (Third Series), Vol. VII, pp. 7, 8.

name was strange in these parts".⁵⁷ A neat two-story building, twenty-eight by forty-seven feet, was partly finished by 1848. Reverend Sturgis conducted the school until the fall of 1848. Later he went as a missionary to the Micronesian Islands.⁵⁸

In 1849 he was succeeded by George W. Drake who had been a student at Oberlin College. Of the three years Mr. Drake had charge of the Academy he wrote in 1888: "We found Denmark a very pleasant Christian Community, but much crippled in its influence on the surrounding community by their prejudice against the Yankees. . . . Our scholars, part Yankees, and part Western, at first manifested a little friction, or disposition to clannishness, but as the Western element increased, they soon pulled together in harmony."⁵⁹

On April 10, 1850, the board of trustees of Denmark Academy voted "that we offer the Academy to Mr. Drake for another year and if he shall give satisfaction we will continue to employ him." It was also voted "that we consider it to [be] indispensably necessary that the teacher of a school should be punctual in his hours & strict in his government." On April 19, 1852, however, the board voted "that Mr. Turner inform Mr. Drake that we design to engage some other person to teach the Academy after the summer Term."⁶⁰

As Drake's successor the trustees chose Reverend Henry Kingman Edson, an alumnus of Amherst College and ex-

⁵⁷ Edson's *Denmark Academy* in the *Iowa School Journal*, Vol. XI, p. 242.

⁵⁸ Edson's *Denmark Academy* in the *Iowa School Journal*, Vol. XI, p. 242; Aurner's *History of Education in Iowa*, Vol. III, p. 29; *Records of the Board of Trustees of Denmark Academy, Iowa*, for November 11, 1848.

⁵⁹ Salter's *History of Denmark Academy*, a manuscript in possession of Mr. A. T. Houston, Denmark, Iowa.

⁶⁰ *Records of the Board of Trustees of Denmark Academy, Iowa*, for April 10, 1850, April 19, 1852.

perienced in the management of academies in New England. He began his work at the Denmark Academy in the fall of 1852.⁶¹ On November 10, 1853, the trustees "voted that we feel highly gratified with the success of H. K. Edson as principal of the academy the past year, and believe we express the feelings of this community & of its patrons abroad." It was also decided at the same meeting to "offer to H. K. Edson the use of the Academy buildings & Lot with all the tuition he may collect from pupils as compensation for his services, for five years from the commencement of the present term." Furthermore the Trustees expressed their willingness to continue the arrangement "so long as the prosperity of the institution & the health of the principal will admit." Mr. Edson accepted the proposition and the arrangement with few changes was continued until 1879,⁶² when Mr. Edson resigned as a result of friction within the Congregational Church, into which the disciplinary troubles of the Academy had been drawn.⁶³

The year before Mr. Edson took charge of the Academy there appears to have been an enrollment of one hundred and twenty-five.⁶⁴ The attendance rose to two hundred in 1855, and in 1865, at the close of the Civil War, it reached two hundred and seventy. Due to the growth of public high schools — for which the Academy had helped to set the standards — the enrollment then declined and finally the Academy itself was turned into a public high school.⁶⁵

⁶¹ Magoun's *Asa Turner and His Times*, pp. 269-274.

⁶² *Records of the Board of Trustees of Denmark Academy, Iowa*, for November 10, 1853, November 20, 1857.

⁶³ *Records of the Congregational Church, Denmark, Iowa*, Vol. II, May 16, 1876, to October 9, 1879; Quinton's *Early Denmark and Denmark Academy in the Annals of Iowa* (Third Series), Vol. VII, p. 12.

⁶⁴ Salter's *History of Denmark Academy*, a manuscript in possession of Mr. A. T. Houston, Denmark, Iowa.

⁶⁵ Edson's *Denmark Academy in the Iowa School Journal*, Vol. XI, pp. 242-245; Aurner's *History of Education in Iowa*, Vol. III, p. 31.

The large attendance in the later sixties necessitated the building of an addition to the structure of 1848. The cost of this addition was seventeen thousand dollars of which the Denmark people contributed eleven thousand. The new building was dedicated in 1868.⁶⁶ An effort was also made to increase the endowment of the Academy to twenty-five thousand dollars, but only about seven thousand dollars had been raised by 1875.⁶⁷

The first printed announcements were issued in 1853. Two teachers were mentioned: Henry K. Edson, A. M., principal — or preceptor as he was also called — and Mrs. Celestia K. Edson, preceptress. Others may have been engaged during the year. The Academy offered an English course including arithmetic, grammar, geography, United States history, composition, and elocution. The Higher English Course consisted of the following subjects: rhetoric, natural philosophy, chemistry, algebra, geometry, geology, astronomy, physiology, botany, English and ancient history, psychology, intellectual philosophy, and moral science. Particular attention, according to the announcements, would be given to the classical department where Latin and Greek were taught. French was the only modern language offered. Students might prepare to teach or fit themselves for college and enough subjects might be studied to entitle the student to an advanced standing in college. In accordance with the common practice at that time public examinations were given.⁶⁸ At this time the school was divided into a male and a female department, the boys and girls occupying different study rooms though

⁶⁶ Edson's *Denmark Academy* in the *Iowa School Journal*, Vol. XI, pp. 242, 243.

⁶⁷ *Records of the Board of Trustees of Denmark Academy, Iowa*, for February 6, 1871, June 21, 1875.

⁶⁸ *Catalogue of Denmark Academy*, 1853; Aurner's *History of Education in Iowa*, Vol. III, pp. 29, 31.

they recited in the same class rooms and united in the general exercises of the school.⁶⁹

By 1866 the subjects had been arranged in three-year courses. Both vocal and instrumental music had been added. Drawing, painting, music, German, and French were offered as optional studies. The Academy had seven instructors in 1866 including the preceptor and preceptress.⁷⁰

The changes introduced by the Edsons had "an immediate and happy effect on the prosperity of the Academy" since it "held up a standard of attainment before the youth, a standard much higher than their fathers pursued, yet not too high for those who would be abreast of their times." The first class, consisting of two young ladies, graduated in 1858.⁷¹

It was the wish of the founders of Denmark Academy to establish an institution where the youth of the land could obtain a thorough Christian education without giving occasion for the charge of sectarianism. Of course, a Congregational environment was desirable and Denmark with its charming homes whose inhabitants supplied "those restraints and sympathies" so favorable to the student's progress "in knowledge and virtue", seemed especially desirable, though it was an inland village without a railroad and with only some two hundred inhabitants. The character of the villagers — in whose homes the students boarded — was such that it supported the moral standards of the school, the regulations of which forbade the students to indulge in profanity, card playing, dancing, the use of intoxicating liquors, and even to visit each other's boarding places on the Sabbath. Special "recreation" evenings,

⁶⁹ *Catalogue of Denmark Academy*, 1853; information obtained in March, 1925, from residents of Denmark.

⁷⁰ *Catalogue of Denmark Academy*, 1867, pp. 14-21.

⁷¹ Edson's *Denmark Academy* in the *Iowa School Journal*, Vol. XI, p. 245.

however, were set apart when parties and entertainments were permitted. The Academy also required its students to attend the daily devotional exercises and to go to church on the Sabbath,⁷² but Baptist students were not required to attend the Congregational Church.⁷³

A large percentage of the graduates of Denmark Academy became public and private school teachers, and smaller numbers ministers of the gospel, judges, missionaries — home and foreign — doctors, business men and women, and the fathers and mothers of future students and graduates of the Academy.⁷⁴

The founding of a prosperous Congregational academy would logically be followed by a college. This indeed had been planned by Iowa Congregationalists before the incorporation of the institution at Denmark. In 1838 the Wisconsin Territorial Assembly incorporated the Philandrian College of the town of Denmark. The first sections of the ten articles of incorporation read:

Be it enacted by the council and house of representatives of the territory of Wisconsin, That there shall be established in the town of Denmark, in Des Moines county [Lee County], a college for the purpose of educating youth, the style, name, and title whereof shall be "the Philandrian college of the town of Denmark," which college shall be under the direction of seven trustees, to-wit: Rev. Jeremiah Porter, Samuel Barrett, James P. Stuart, Robert A. Leeper, Timothy Fox, Lewis Epps, and H. M. Dixon; and they and all further trustees shall continue in office during the pleasure of the legislature, and all vacancies that may occur in said board of trustees shall from time to time be supplied by the legislature.

Section seven states that "persons of every religious denomination shall be capable of being elected trustees, nor

⁷² *Historical and Comparative Census of Iowa, 1838-1880*, p. 523; *Catalogue of Denmark Academy*, 1867, pp. 14-24.

⁷³ Information obtained in March, 1925, from Denmark residents.

⁷⁴ Quinton's *Early Denmark and Denmark Academy in the Annals of Iowa* (Third Series), Vol. VII, p. 14.

shall any person as president, professor, instructor or pupil, be refused admittance for his conscientious persuasions in matters of religion: *provided* he demean himself in a proper manner, and conform to such rules as may be established." ⁷⁵

The institution was to be a manual labor college and the plan of its promoters also included the establishment of academies as feeders for the college. Among the trustees named in the articles of incorporation were several Denmark people. Others were Presbyterians with whom the Congregationalists in Iowa occasionally associated in educational matters. ⁷⁶

The Philandrian College never had more than a paper existence. It is of interest, however, because it shows the character of educational zeal in early Iowa, and, also because it was in a way the forerunner of Iowa College opened as a Congregational college in Davenport, on November 1, 1848, by Reverend Erastus Ripley, one of the Iowa Band. In 1858 Iowa College in Davenport was closed and transferred to Grinnell where it was reopened the following year. ⁷⁷

Political reforms engaged the interests of the western Congregationalist almost as much as religion and education. He did not believe in the union of church and state, but he considered it proper for the church at times to impose its demands upon the state through organization and moral pressure. Like his Puritan ancestors he was a strong nationalist, eager both as a citizen and as a church member to advance the interests of the nation. A definite illustration of this is seen in the attitude of the western Congre-

⁷⁵ *Laws of the Territory of Wisconsin, 1836-1838*, pp. 498-500.

⁷⁶ Magoun's *Asa Turner and His Times*, pp. 242-244, 250.

⁷⁷ Magoun's *Asa Turner and His Times*, pp. 234, 251, 275; Parker's *History of Poweshiek County Iowa* (1911), Vol. I, p. 120.

gationalists towards the evangelization and Americanization of the foreigners, especially those who were unchurched by their own people. The June number of *The Home Missionary* for 1849 points out with rare insight the meaning of immigration to the United States and the opportunity for the American churches to project the foreign missionary field into the Mississippi Valley. *The Home Missionary* pleads for an interpenetration of national heritages rather than Americanization by absorption, showing that the former method under the guidance of the churches may result in a fusing of the desirable character elements of the Puritan, the Briton, the Irishman, the Frenchman, and the German into a new and superior type of American Citizen.⁷⁸

The early Congregationalists in Iowa were quick to seize this opportunity. Large numbers of Germans entered the State during the forties and fifties, often without pastors, religious organizations, or even the desire for them. Committees appointed by the General Association of Iowa on missionary work among the German immigrants reported that they were mostly Protestants, but many were "formalists", "rationalists", and not a few outright "infidels". The Sabbath was almost universally disregarded among them and even desecrated by labor and amusements while the children were growing up in almost entire ignorance of the doctrines and duties of Christians. If the Germans could be evangelized there were the best prospects of making them "a most valuable constituent part of our population".⁷⁹ At least ten German Congregational churches were organized in Iowa between 1849 and 1865. These formed a special association and had a membership of

⁷⁸ Quotations from *The Home Missionary* in Mode's *Source Book and Bibliographical Guide for American Church History*, pp. 432, 433.

⁷⁹ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1851, pp. 71, 77-79.

about three hundred.⁸⁰ Somewhat earlier similar work had been undertaken among the Welsh. Five churches with a membership of two hundred and forty were formed between 1845 and 1864, also organized in a special association.⁸¹

The Denmark people were thoroughly in sympathy with this work. The Denmark church early became cosmopolitan in spirit both with respect to creeds and nationalities. There was, however, never a very large number of foreign members but this is accounted for by the fact that there were only a few foreigners in or near the town.⁸²

The early Congregationalists prided themselves upon having brought the quiet Sabbath across the Mississippi. The Denmark people were especially scrupulous not to desecrate the "Lord's Day" by labor, travel, or vain amusements. There is a tradition of a newcomer who had bought some property there and moved the last part of the week. When on Sunday a neighbor found him occupied with little jobs about the house and land, he expostulated with him in a friendly way intimating that the Sabbath was not so spent among Congregationalists. This made the stranger so angry that he sold out and left.⁸³

Anxious to make the quiet Sabbath a public institution, the matter was pressed in a convention of the General Association in 1841.⁸⁴ Whatever the direct result of this may have been the Territorial legislature in 1843 passed an act planting this favorite Puritan institution firmly on Iowa soil. On the first day of the week "commonly called Sun-

⁸⁰ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1867, p. 27.

⁸¹ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1867, p. 30.

⁸² See the *Records of the Congregational Church, Denmark, Iowa*, Book No. 3.

⁸³ Magoun's *Asa Turner and His Times*, pp. 134, 280, 281, 289.

⁸⁴ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1841, p. 6.

day" the law forbade swearing within hearing of a religious assemblage, rioting, quarreling, fishing, shooting and common labor excepting works of necessity and charity — Adventists excepted. Furthermore, the law forbade "any grocery keeper" from selling or bartering "any spirituous liquors on the first day of the week".⁸⁵ This law was heartily sanctioned by the later conventions of the General Association.⁸⁶

To Reverend Turner questions of political reform properly fell within the sphere of activity of the Christian minister. The parishioner who upbraided him for mixing religion and politics was never assured that this would cease. When there had been an acrimonious political debate at Denmark, the pastor introduced his next Sabbath service with the words: "Politicians, my friends, do not love one another with a pure heart fervently". On abolition he "never gave an uncertain sound, nor failed to give a certain and ringing one", stirring the "righteous souls of hearers." From the first Denmark was rightly considered a hot-bed of anti-slavery sentiment.⁸⁷

The pro-slavery element in the Territory of Iowa had forced the passage of a law in 1839, which seriously hampered the movements of blacks and mulattoes.⁸⁸ Though these laws were emasculated by the decision of Chief Justice Charles Mason in the case of Ralph,⁸⁹ they were obnoxious to Iowa Congregationalists. Reverend Turner and his Denmark brethren began to agitate their repeal in 1841, when the General Association also adopted a resolution against them. The resolution ran: "The laws in relation to

⁸⁵ *Revised Statutes of the Territory of Iowa*, 1842-1843, pp. 294, 295.

⁸⁶ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1844, pp. 24, 25, 1846, p. 40.

⁸⁷ Magoun's *Asa Turner and His Times*, pp. 283, 325.

⁸⁸ *Laws of the Territory of Iowa*, 1838-1839, pp. 65-67.

⁸⁹ *Morris's Iowa Reports*, pp. 1-10.

blacks and mulattoes are in our opinion a violation of the principles of justice and of the laws of God; oppressive in their operations on colored persons, and forbidding us arts [acts] of humanity; therefore . . . we invite our churches to unite with us in petitioning for their repeal.”⁹⁰

In 1843 the General Association adopted vigorous resolutions against slavery in general declaring it to be “a heinous sin, and a gross violation of the laws and Gospel of Christ” and calling upon fellow Christians “to do away with this legalized oppression”. The Association furthermore resolved that it felt “bound in duty to withdraw fellowship from those who profess to be Christians; and still hold their fellowmen in bondage.” This threat was evidently not carried out and the anti-slavery resolutions of 1846, though explicit in their condemnation, were in milder form. Reverend Turner was a member of the committees that drew up the resolutions of both 1843 and 1846.⁹¹

In 1847 the Association felt “called upon to express their regret at the existence of a state of hostility between this and a sister republic [Mexico] as adverse in its influences to all the moral and religious interests of both countries, and also to exhort the churches in our communion to pray unto God without ceasing that peace may be immediately restored in our borders, and that the day may speedily come when our nation shall learn war no more.”⁹² This resolution was reaffirmed the next year with the injunction to ministers to preach upon the subject of the Mexican War, “the second Lord’s day in July next.”⁹³

⁹⁰ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1841, pp. 7, 9.

⁹¹ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1843, pp. 19, 22, 1846, pp. 35, 38.

⁹² *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1847, p. 43.

⁹³ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1848, p. 49.

The general condemnation of war embodied in the resolution of 1847 was not, however, in accord with Reverend Turner's views on that subject, though he undoubtedly longed for the day when nations would be strong enough morally to establish a peace of righteousness. Nevertheless he did not believe that slavery could be destroyed without war.⁹⁴

The Denmark people were no less zealous in their crusade against intemperance. In nothing perhaps was there such a unanimity of opinion among them, and a local temperance society was formed as early as July 4, 1838. Of this event a writer in the *Fort Madison Patriot* reported in part:

Most of the settlement around [Denmark] are the sons of the Pilgrims, and they wished to commemorate the birth day of their country, and it occurred to them that [in] no way could they do it more appropriately than by organizing themselves into a Temperance society; believing that our liberties is more endangered by the use of intoxicating drink than all foreign enemies It was a time of interest; the Rev. Asa Turner of Quincy, Illinois, was present and opened the meeting with prayer and reading the declaration of Independence. The choir performed several set pieces and closed with the temperance hymn — the attention given to [the] singing and the life and animation with which they perform this part of worship is worthy of praise. After an impressive address by Mr. Stewart, the total pledge was read, to which fifty-three gave their names and a teetotal temperance society was organized;— others since have subscribed the pledge, making now in all, in this infant settlement, eighty-five, who taste not, handle not, the accursed thing After dinner several toasts were volunteered and drank in cold water;— I should be happy to repeat them here, Mr. Editor, if my memory would serve me and did time allow, but I can assure you there is no need of brandy and wine to aid the tongue and mind on such occasion.

After an address by Reverend Turner at Burlington —

⁹⁴ Magoun's *Asa Turner and His Times*, p. 290.

then the temporary Territorial capital—in November, 1839, the first State temperance society in Iowa was formed and Governor Robert Lucas became the first president.⁹⁵ By 1846 the opposition to the liquor traffic had gained so much strength within the Iowa Congregational churches that the annual meeting of the General Association appointed a committee to draw up a memorial to the legislature to be circulated for signatures “asking for the enactment of a law submitting the question, whether licenses for retailing intoxicating liquor in any county shall be granted or not, to the legal voters of such county at each annual election.”⁹⁶

On February 15, 1847, an act of the General Assembly was approved “providing that the legal voters in each township [shall] determine at the township election, whether the County Commissioners shall grant license for retailing intoxicating liquors in their respective counties or not.”⁹⁷ Accordingly an election was held on April 5, 1847, and the results were such as to satisfy the most ardent friends of prohibition, every county except Keokuk County voted against licensing saloons.⁹⁸ Subsequent acts weakened the law of 1847 and in the early fifties the prohibitionists began advocating the adoption of a law similar to the famous “Maine Law” approved by the Governor of Maine on June 2, 1851.⁹⁹

The Congregationalists of Iowa in 1853 announced that they had “increasing confidence in the justice and expediency of the principles of the ‘Maine Law’ ”, and that they would “labor to secure its enactment, substantially, in this

⁹⁵ *The Fort Madison Patriot*, July 9, 1838; Magoun's *Asa Turner and His Times*, p. 279.

⁹⁶ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1846, p. 39.

⁹⁷ *Laws of Iowa*, 1847, pp. 62, 63.

⁹⁸ *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, p. 57.

⁹⁹ *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, pp. 62, 64.

State". To strengthen those who wavered in their faith as to their duty of extending Christian morals to politics, the General Association passed a resolution stating "that we believe the morality of the gospel extends to our political as well as to our religious duties, and that we are required thereby as really to use the power vested in us as citizens against slavery and intemperance, as we are to pray against those sins."¹⁰⁰

Thus fortified by resolutions the Congregationalists under the leadership of Reverend Turner went into the State campaign of 1854. Early in the year a group of anti-slavery men had nominated Simeon Waters, a Congregational pastor and missionary at Mount Pleasant as their candidate for Governor, not, as Reverend Turner wrote at a later date, "with any hope of electing him, but to show our strength".¹⁰¹ In February James W. Grimes was nominated for Governor by the Whigs and Waters was nominated for Secretary of State, then the next most important State office.

Realizing the importance of securing the union of the anti-slavery forces in the campaign James W. Grimes made a trip to Denmark and solicited the support of Reverend Turner and his Congregationalist brethren, promising that he would, if elected, be true to the principles for which they stood. The result seems to have been a second convention of "Abolitionists, Liberty Party men, and Free Soilers", held at Crawfordsville, Iowa, on March 28, 1854.

Reverend Turner went to the convention at the request of Grimes to work in his behalf. Isaac Field, one of the

¹⁰⁰ *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1853, p. 92.

¹⁰¹ Magoun's *Asa Turner and His Times*, p. 286; Salter's *Life of James W. Grimes*, p. 115; Burrell's *History of Washington County, Iowa*, Vol. I, p. 144; Garretson's *The Underground Railroad in Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XXII, pp. 452, 453.

Denmark deacons, was made chairman. Waters withdrew from the nomination for Governor and after an evening's vehement discussion, Turner was appointed chairman of the committee on platform. The committee worked until about midnight and then retired undecided. In the morning while his room-mate was dressing, Reverend Turner wrote on the back of a letter a terse, unique platform:

Whereas (1), The Nebraska bill is the great question of national politics, and

Whereas (2), The Maine law is the great question of state politics, therefore

Resolved, That we will vote for James W. Grimes, of Des Moines County, for governor.

Again there was stormy debate lasting a half day. The chief objection to Grimes was that he was little known, even to Reverend Turner. But when a manuscript address by Grimes entitled "To the people of Iowa" had been read and the convention had become familiar with his principles, his nomination was carried by a substantial majority. This insured the election of Grimes for Governor and the triumph of the anti-slavery forces, soon to be known as the Republican party.¹⁰²

Grimes had reasons for feeling grateful to the pastor and people at Denmark, and he showed his appreciation by taking an early occasion to ride out there and pass a half day with Reverend Turner, to the great satisfaction of both.¹⁰³ The Congregationalists had no reasons for regretting the election of Grimes. The General Assembly passed and submitted a liquor law to the people in 1855, which in its essential aspects was like the Maine law. This was ap-

¹⁰² Christoferson's *The Life of James W. Grimes* (manuscript in the possession of The State Historical Society of Iowa), p. 121; Salter's *The Life of James W. Grimes*, p. 115; Magoun's *Asa Turner and His Times*, pp. 286, 287, 288.

¹⁰³ Magoun's *Asa Turner and His Times*, p. 288.

proved by the people, and, though it was modified later as a concession to the German immigrants¹⁰⁴ — whom the Congregationalists, as we have seen, were trying to bring within the fold of Congregationalism — Iowa never gave up a strict control of the liquor traffic.

Both before and during the Civil War, Denmark was a nest of abolitionism and an important station on the Underground Railroad, where fugitive slaves could always count on a warm welcome at the parsonage and at the homes of the villagers. Many a fugitive passed through Denmark on the road to freedom,¹⁰⁵ much to the disgust of *The Plain Dealer*, a Democratic paper in Fort Madison, which in an editorial for May 29, 1857, admits that Denmark may merit the reputation of being "a model town", but "the conduct of its inhabitants, or at least a portion of them, entitle it [the town] to the favorable consideration of ultraists of all shades." Rising then to the point of righteous indignation, the paper continues: "To the disgrace of the County and State, Denmark has the name of being a rendezvous of men, who occasionally engage in *negro-stealing*, at the same time professing the religion of the gospel. Men of less shrewdness have been hanged — have received their just deserts — for engaging in the practices of which respectable citizens of Denmark, have been accused." *The Plain Dealer* sneers at the appeal to "the higher law" by pointing out that the "Black Republicans" in Denmark had recently proceeded against the perpetrators of a charivari affair, in a manner worthy of the inquisition of the Middle Ages.¹⁰⁶

The growth and character of abolitionism in Denmark in

¹⁰⁴ Clark's *The History of Liquor Legislation in Iowa, 1846-1861*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, pp. 73-78, 86.

¹⁰⁵ Garretson's *The Underground Railroad in Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXII, pp. 444-477; Quinton's *Early Denmark and Denmark Academy* in the *Annals of Iowa* (Third Series), Vol. VII, p. 10.

¹⁰⁶ *The Plain Dealer* (Fort Madison), May 29, 1857.

the early sixties is clearly indicated in the issue of *The Plain Dealer* for July 11, 1862, under the caption "The Fourth At Denmark", which is here quoted in full:

We understand the celebration near Denmark was numerously attended. Four prominent political aspirants were present and addressed the meeting. But the speech of the occasion as we are informed was made by the Rev. Mr. Williams, who confined his remarks to the legitimate consideration of the history associated with the day. But Parson Turner, who, both in and out of season has an eye single to the interest of the "nigger", introduced to the multitude of white ladies and gentlemen, an intelligent *colored* gentleman late of Virginia, but now sojourning at Denmark. If the contraband made a speech, and if he favored the claims of any particular candidate present, we are not informed, and cannot speak advisedly on that point. But an "eye witness" assures us that Mr. Turner's *colored* friend fully endorses the sectional flag with *fifteen stars erased* which was carried by the Denmarkers in the Wide Awake procession in 1860.

The Rev. Mr. Turners distinguished friend regards the present war as a conflict between slavery and freedom — that is negro slavery and negro freedom — that white men are to do the fighting, conduct the war, and pay the expenses, and in the language of a resolution lately introduced in an abolition religious meeting. All the "nigger" has to do "is to sit still and see the salvation of God."

Mr. Turner's "nigger" was greatly elated, in fact charmed into extacies [ecstasies] at his flatering introduction to the "pale faces". He had never witnessed such distinguished consideration in the "Old Dominion". In the State that gave birth to Jefferson, Madison, Washington, and Henry, he was regarded as no better than "white folks". But here in Denmark he was treated like a Japanese Prince, or a Haytian Diplomest — indeed it was a memorable day for preacher Turner's negro, but we take pleasure in saying that this part of the performance was extremely disgusting to the taste and olfactories of the large majority present, who attended on that occasion to celebrate a Nation's birth day, and not for the purpose of being familiarly introduced to Denmark's "niggers".¹⁰⁷

¹⁰⁷ *The Plain Dealer* (Fort Madison), July 11, 1862.

The introduction of the negro created quite a stir in social and newspaper circles, so much that the committee on arrangements for the celebration in Denmark came out with a public denial that the affair had been pre-arranged. *The Plain Dealer*, however, "approved" of Reverend Turner's action: if we wanted the negroes in Iowa we should not consider them degraded, but fit associates for white men, as Turner did.¹⁰⁸

The foregoing citations from *The Plain Dealer* show that there was no unanimity of opinion about abolition and the "Underground Railroad". Though no violent scenes occurred at Denmark, much intense feeling was engendered in the community. During the Civil War the Congregational church was destroyed by fire — supposed to have been, but never definitely proved, the work of an incendiary. So great was the fear of southern sympathizers from Missouri during the war that a home guard was formed for the protection of the town. These fears were not unfounded. A marauding party once crossed "the river" and headed for the town, but were frightened away.¹⁰⁹

John Brown fashion, Reverend Turner had prophesied that the controversy over slavery would not be adjusted without war.¹¹⁰ In that war the gallant sons of Denmark — both Baptists and Congregationalists — did their full share of patriotic service on many a battle field. Of the Academy students over a hundred were enrolled as defenders of the Union. Some attained high command, others laid down their lives.¹¹¹

¹⁰⁸ *The Plain Dealer* (Fort Madison), August 1, 1862.

¹⁰⁹ Quinton's *Early Denmark and Denmark Academy in the Annals of Iowa* (Third Series), Vol. VII, p. 10; *Manual of the Congregational Church of Denmark, Iowa* (1888), p. 4.

¹¹⁰ Magoun's *Asa Turner and His Times*, p. 290.

¹¹¹ Quinton's *Early Denmark and Denmark Academy in the Annals of Iowa* (Third Series), Vol. VII, p. 10; *Brief History of the First Baptist Church of Denmark, Iowa*, p. 5.

With the spread of Congregationalism throughout Iowa and the growth of large congregations in Davenport, Muscatine, Dubuque, Grinnell, Newton, Des Moines, and Tabor — Denmark ceased to exercise the prominent influence exerted in earlier days.¹¹² Reverend Turner left in 1868. His long pastorate of thirty years had been a fruitful period of spiritual life for Denmark and for political reform in Iowa. Turner's co-worker since 1852, Principal H. K. Edson, resigned his position in the Academy in 1879. Though the people continued faithfully to support the school, its enrollment constantly diminished. In 1914 the building was leased to the Independent School District of Denmark Township for purposes of education only. The Board of Trustees of Denmark Academy was continued for the administration of the endowment funds, the income from which also on certain conditions was turned over to the public high school,¹¹³ now bearing the double name of Denmark Academy High School. The historic structure dating from 1848 and 1868 was destroyed by fire in January, 1924. The new grade and high school building, erected on the same site, has the double name over the main doorway and a memorial tablet to the old Academy has been placed in the front wall.¹¹⁴

THOMAS P. CHRISTENSEN

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¹¹² *Minutes of the General Association of Congregational Churches and Ministers of the State of Iowa*, 1869, pp. 15-24; *Manual of the Congregational Church of Denmark, Iowa* (1888), pp. 4, 5; Quinton's *Early Denmark and Denmark Academy* in the *Annals of Iowa* (Third Series), Vol. VII, p. 12.

¹¹³ Manuscript copy of the contract between the Board of Trustees of Denmark Academy and the Independent School District of Denmark Township, May 28, 1914.

¹¹⁴ Based on observations and information obtained in March, 1925, from residents of Denmark, Iowa.

SOME PUBLICATIONS

The French Régime in Wisconsin and the Northwest. By Louise Phelps Kellogg. Madison: The State Historical Society of Wisconsin. 1925. Pp. 474. Maps, plates. This volume is the product of many years of careful research in the field by Miss Kellogg and bears evidence in every chapter of her ripe scholarship. As is indicated in the preface this book differs from previous volumes on the activities of the French in America in that the point of view is from the standpoint of the West.

The early chapters relate the approach of the Frenchmen to the West, then the occupation of this region is described, and in turn there are chapters on Indian wars, the development of mining and the fur trade in the Northwest, the French residents of Wisconsin, intercolonial rivalry for the western trade, and the end of the French régime in the Northwest. The author has consulted the sources anew, and has arrived at some conclusions contrary to accepted traditions concerning the French régime in Wisconsin. Perhaps in her effort to assign the missions and missionaries to "their proper place" in "the opening of the West to civilization" she has been overzealous. One of the valuable features of the book is the selection of maps and illustrations. The style is lucid, and makes an interesting narrative. Particularly well done is the chapter describing the manners and customs of the French inhabitants of Wisconsin. The book is well printed and bound, and bears evidence of careful proof reading. The index is quite satisfactory.

Joseph Benjamin Oakleaf has compiled a *Lincoln Bibliography* of nearly sixteen hundred items.

The sixth volume of Edward Channing's *A History of the United States* has recently appeared. This covers the years from 1850 to 1865 and bears the sub-title, *The War for Southern Independence*.

A third part of Alanson Skinner's *Observations on the Ethnology of the Sauk Indians* has recently been published as the October, 1925, issue of the *Bulletin of the Public Museum of the City of Milwaukee*. This installment describes the material culture of this tribe.

Among the papers in the *Annual Report of the American Historical Association* for 1920 two are of special interest to students of Mississippi Valley history: *The Early Development of Agricultural Societies in the United States*, by Rodney H. True, and *History of the Ranch Cattle Industry in Oklahoma*, by Edward Everett Dale.

The four papers in *The American Historical Review* for January are the following: *The American Revolution: an Interpretation*, by Charles M. Andrews; *Roman Parties in the Reign of Tiberius*, by Frank Burr Marsh; *The European Powers and the French Occupation of Tunis, 1878-1881*, by William L. Langer; and *United States vs. Jefferson Davis, 1865-1869*, by Roy F. Nichols.

WESTERN AMERICANA

The Wisconsin Archeologist for November, 1925, is entirely devoted to *The Lake Kegonsa Region*, by W. G. McLaehlan.

Ralph Leslie Rusk has compiled a two volume work entitled *Literature of the Middle Western Frontier*, published by the Columbia University Press.

Perils of the Santa Fe Trail in Its Early Days (1822-1852), by B. M. Read, is one of the short sketches in *El Palacio* for November 15, 1925.

The October, 1925, issue of *The Missouri Historical Review* contains an article by Thomas S. Barelay on *The Liberal Republican Movement in Missouri* and one by Franklin R. Poage on *Mark Twain Memorials in Hannibal*.

George S. Cottman has prepared a textbook for Indiana schools, *Indiana, Its History, Constitution and Present Government*, which is intended to meet the requirement that the Constitution of Indiana be a part of the school curriculum.

The committee to designate the site of Fort de Crèvecoeur, appointed by the President of the Illinois State Historical Society in accordance with an act of the General Assembly, has presented its report. This has now been published by the State of Illinois in pamphlet form under the title *The Site of Fort de Crèvecoeur*.

The Quarterly Journal of the University of North Dakota for November, 1925, contains a number of papers, among which are the following: *The Number and Distribution of Physicians in North Dakota*, by H. E. French, and *The Upper Missouri Historical Expedition of 1925*, by Orin G. Libby.

Some Early Wyoming History West of the 108th Meridian, a paper by Mrs. Cyrus Beard, appears in the *Annals of Wyoming* for October, 1925. This contains references to persons and events of interest to students of western history, such as John Work, Captain Bonneville, and Father De Smet.

Lilian Linder Fitzpatrick has compiled a study entitled *Nebraska Place-Names* which has been published as a number of the *University of Nebraska Studies in Language, Literature, and Criticism*. The names are arranged alphabetically, first by counties and then by towns.

A paper by Joseph J. Thompson, *Illinois' First Citizen — Pierre Gibault*, is concluded in the October, 1925, issue of the *Illinois Catholic Historical Review*. *The Trappists of Monk's Mound*, by Gilbert J. Garraghan, and *Great Western Railway Systems*, by W. W. Baldwin, are two other articles in this number.

John Henri Kagi, by C. B. Galbreath, makes up the chief contribution in the issue of the *Ohio Archaeological and Historical Quarterly* for July, 1925. This article deals with Kagi's experiences in Kansas only and does not include his stay at Springdale, Iowa, or his death at Harper's Ferry.

Chapters in the History of the Turners, by Robert Wild; *The Epic of a Plain Yankee Family*, by Joseph Schafer; *William Penn Lyon*, by Clara Lyon Hayes; *Some of Our Pioneers*, by Ellis B. Usher; and *More Napoleonic Soldiers Buried in Wisconsin*, by

Albert O. Barton, are articles and papers in the December, 1925, issue of *The Wisconsin Magazine of History*.

Early British Opinions on Westward Expansion is the title of a short paper in the *Chicago Historical Society Bulletin* for October, 1925. The number for November contains *The Huguenots in France and America* and the issue for December has short sketches of *The Anchor of the Santa Maria*, *The Significance of the American Frontier*, and *Captain Andersen and the Viking Ship*.

When Detroit Invaded Kentucky, a paper by M. M. Quaife, appears in the *Burton Historical Collection Leaflet* for November, 1925. It is the story of the invasion of Kentucky in the summer of 1780 by a force of British and Indians under the command of Captain Henry Bird. The issue for January, 1926, contains *Capital Punishment in Detroit*, also by M. M. Quaife.

Minnesota History for December, 1925, contains the following papers and articles: *A New Interpretation of the Voyages of Radisson*, by Arthur T. Adams; *Robert Dickson, the Fur Trade, and the Minnesota Boundary*, by Louis A. Tohill; *The Edmund Franklin Ely Papers*, by Grace Lee Nute; *Lincoln and Minnesota*, by Solon J. Buck; and *With La Perrière to Minnesota in 1727*. Under *Notes and Documents* is *The Kensington Rune Stone Discussion and Early Settlement in Western Minnesota*, by Theodore C. Blegen.

Pioneers and Pathfinders of New France, a paper by James A. Woodburn; *Morris Birkbeck's Estimate of the People of Princeton in 1817*, by Lucius C. Embree; *Sketch of Early Presbyterian Church in Indiana*, by J. H. Barnard; and *The McCormick Family, First Settlers of Indianapolis*, by Catherine Eagle, are the contributions in the *Indiana Magazine of History* for December, 1925. Under the heading *Document* is the *Journal of an Emigrating Party of Pottawattamie Indians, 1838*. This is supposed to have been written by a William Polke who, as a child, had been captured and had lived among the Indians.

The Border Missions of General George Mathews, by Isaac J.

Cox; *The Early Fur Trade Posts on the South Platte*, by L. R. Hafen; *The Southwestern Trails to California in 1849*, by Ralph P. Bieber; *The South Carolina Land Cession*, by R. S. Cotterill; and *The Upper Missouri Historical Expedition*, by Solon J. Buck, are papers and articles in *The Mississippi Valley Historical Review* for December, 1925. Under *Documents* there are *Journals and Reports of the Black Hawk War*, edited by M. M. Quaife, and *Letters of James Robertson and Daniel Smith*, edited by Arthur P. Whitaker.

Historical Sketch of the Michigan Federation of Music Clubs, by Mrs. F. Dunbar Robertson; *Michigan*, by Lew Allen Chase; *Historical Sketch of Western State Normal School, Kalamazoo*, by Ernest Burnham; *Augustus Elias Brevoort Woodward*, by William L. Jenks; and a continuation of *Winter Scenes on the Frontier*, from Hoffman's *A Winter in the West*, are the chief contributions in the *Michigan History Magazine* for October, 1925.

The Louisiana Historical Quarterly for October, 1924, contains a paper by Mrs. N. M. Miller Surrey on the *History of the Calendar of Documents in the Archives of Paris Relating to the Mississippi Valley*. The issue for January, 1925, contains, among others, the following papers and articles: *Torture in Spanish Criminals Procedure in Louisiana, 1771*, by Laura L. Porteous; *Trial and Sentence of Biron, Runaway Negro Slave, 1728*, translated by Heloise H. Cruzat; *Documents Concerning the History of the Indians of the Eastern Region of Louisiana*, by Baron Marc de Villiers, translated by George C. H. Kernion; and *Thomas Jefferson and Government by Party*, by Percy Saint. There are also installments of the *Records of the Superior Council of Louisiana* and *Index to the Spanish Judicial Records of Louisiana*.

The Nebraska History and Record of Pioneer Days for July-September, 1924, contains a number of articles relating to the Spanish invasion north to the Platte River in 1720. The first article is *The Massacre of the Villasur Expedition at the Forks of the Platte River August 12, 1720*, by A. B. Thomas of the University of California, written largely from materials in the Bolton collection. A discussion of this article is contributed by M. A. Shine. Addison E. Sheldon contributes an account of the Nebraska Historical Soci-

ety Expedition to the Platte-Loup region in search of the site of the Spanish massacre of 1720. In the number for October-December, 1924, there are the following papers and articles: *The Famous Spanish Stirrups Found by George W. Prather near Riverton in 1874*; *On the Trail of "Old Jim Bridger's Daughter"*, by R. W. Reynolds; *Story of the Fight to Preserve a Historic Cottonwood at Ravenna*; *Wild Bill and Rock Creek Station*; *Dull Knife's Cheyenne Raid of 1878*, by A. N. Keith; *The Second Nebraska Cavalry*, a collection of letters relating to the battle with the Sioux at White Stone Hill, on September 3, 1863; and *The 7th U. S. Cavalry at the Battle on the Washita*, by C. S. Munhall.

IOWANA

The *St. Paul Pioneer Press* for August 23, 1925, contains an account of settlement in Iowa.

Iowa's First Newspaper, by Frederiek J. Lazell, is a story of the *Du Buque Visitor* in *The Iowa Journalist* for November, 1925.

The *Bulletin of the Grand Lodge of Iowa* for November, 1925, contains a biographical sketch of Judge Thomas Arthur, reprinted from the *Council Bluffs Nonpareil*.

D. S. Fairechild is the author of *Recollections of First College Physician* in *The Alumnus of Iowa State College* for November, 1925. There is an introductory note concerning Dr. Fairechild, by L. H. Pammel.

The *Rock Island Magazine* for December, 1925, contains a short article on *The Founders and Builders of the Rock Island*, by L. O. Leonard. This first installment deals largely with the work of Henry Farnam.

The *Bulletin of Iowa State Parks* for July-August, 1925, contains an account of the dedication of the Dolliver State Park in Webster County near Fort Dodge, on June 28, 1925. An address by James B. Weaver, entitled "Jonathan Prentiss Dolliver — A Living Memory", is included.

Harvey Ingham has prepared and distributed a volume in the

series on Iowa beginnings entitled *Algona College*. This is the story of the Methodist College at Algona which opened in 1871 and closed in 1880. Much incidental history of northwestern Iowa is included.

The *Annals of Iowa* for October, 1925, contains a part of *Benjamin F. Pearson's War Diary*. Lieutenant Pearson was an officer of the Thirty-sixth Iowa Infantry during the Civil War. There is also a *Brief of Laws Relating to the New State Capitol* and a continuation of *The Writings of Judge George G. Wright*.

Northwest Iowa; Its History and Traditions is the title of a set of three volumes which the S. J. Clarke Publishing Company of Chicago is now compiling. The twenty counties in the northwestern corner of Iowa are the section included. Arthur F. Allen, editor of the *Sioux City Journal*, will be the supervising editor.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

The Rim of the Prairie. New York: D. C. Appleton Co. 1925.

Allen, Arthur F.,

On the Need of Being Exact (The Iowa Journalist, September, 1925).

Ashby, Newton B.,

The Ashbys in Iowa. Published by the author. 1925.

Baldwin, W. W.,

Great Western Railway Systems (Illinois Catholic Historical Review, October, 1925).

Betts, George Herbert,

Method in Teaching Religion. New York: Abingdon Press. 1925.

Black, Forrest Revere,

The Preparedness Program of the War Department (The New Republic, December 16, 1925).

Blakeslee, George H.,

The Recent Foreign Policy of the United States. New York: Abingdon Press. 1925.

- Bordwell, Percy,
Property Reform in England (Iowa Law Review, December, 1925).
- Branch, E. Douglas,
Llano Estacado (The Midland, November, 1925).
- Brown, Bernice,
Mounds (The Ladies' Home Journal, November, 1925).
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- Carver, Thomas Nixon,
Prohibition and Prosperity (The North American Review, September-November, 1925).
- Case, Francis H.,
Advertising the Church. New York: Abingdon Press. 1925.
- Catt, Mrs. Carrie Chapman,
Evolution Fifty Years Ago (Woman Citizen, July 11, 1925).
- Craig, Hardin,
Shakespeare's Depiction of Passion (Philological Quarterly, October, 1925).
- Dawson, A. F.,
The Handicap of One-Year Real Estate Loans by National Banks (The Northwestern Banker, October, 1925).
- Devine, Edward Thomas,
Coal: Economic Problems of the Mining, Marketing and Consumption of Anthracite and Soft Coal in the United States.
Bloomington, Illinois: American Review Service Press. 1925.
- Egland, Carol,
On the Ways of Supers (Iowa Literary Magazine, November, 1925).
- Ely, Frank A.,
The Semi-insane (Bulletin of Iowa State Institutions, January, 1925).

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Fifty Years of Education in the University of Iowa (University of Iowa Extension Bulletin, No. 133).

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Thurlow Weed: Anti-Masonic Editor and Politician (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., November, 1925).

William Henry Seward, Anti-Masonic Politician (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., December, 1925).

Ferber, Edna,

The Eldest. New York: D. Appleton Co. 1925.

Gribble, Stephen Charles,

A Technique for the Determination of Unit School Costs (University of Iowa Studies in Education, Vol. III, No. 1). Iowa City. 1925.

Hinman, Jack, Jr.,

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SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

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The locomotive as I remember it after sixty years, by Captain F. A. Whitney, in the *Burlington Post*, September 19, October 3, 10, 1925.

The daughters of Louis Menard, in the *Sioux City Journal*, October 4, 1925.

Freezing in pioneer days, by T. J. Francis, in the *Spirit Lake Beacon*, October 8, 1925.

Sketch of the life of Corydon Elliott Foster, Guthrie County pioneer, in the *Guthrie Center Times*, October 8, 1925.

Sketch of the life of John Henry Budden, Civil War veteran, in the *Dyersville Commercial*, October 8, 1925.

A history of Aplington, in the *Aplington News*, October 8, 1925.

Sketch of the life of Mrs. Amelia Falk, a Sioux City pioneer, in the *Sioux City Tribune*, October 8, 1925, and the *Sioux City Journal*, October 9, 1925.

Sketches of early events in the history of Iowa, by N. Littler, in the *Washington Evening Journal*, October 10, 17, 24, 31, November 7, 14, 21, 28, December 5, 12, 19, 26, 1925.

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Sketch of the lives of Lawrence and Sephrona Jennings, in the *Dubuque Times-Journal*, October 11, 1925.

Charley Rulo, fur trader of northwestern Iowa, by Gertrude Henderson, in the *Sioux City Journal*, October 11, 1925.

Sketch of the career of Captain W. V. Wilcox, in the *Des Moines Register*, October 13, 1925, and the *Des Moines Capital*, October 14, 1925.

Bronze tablet unveiled at the "Little Brown Church", in the *Nashua Reporter*, October 14, 1925.

Sketch of the career of Lloyd A. McCutcheon, veteran editor, in the *Mount Vernon Hawkeye*, October 15, 1925.

Death of Aaron W. Pearce, a survivor of Andersonville Prison, in the *Woodbine Twiner*, October 16, 1925.

Sketch of the career of Judge W. R. Lewis, ninety year old pioneer, in the *Montezuma Republican*, October 15, 1925, and the *Grinnell Herald*, October 16, 1925.

Death of J. D. Satterlee, pioneer lawyer of Manchester, in the *Manchester Radio*, October 15, 1925.

Pioneer happenings in Des Moines County, by Mrs. Cyrene Mathews, in the *Burlington Hawk-Eye*, October 18, 1925.

Reminiscences of a pioneer, by Leo A. Cavanaugh, in the *Waterloo Tribune*, October 18, 1925.

The Denver, an historic craft on the Missouri River in the sixties, in the *Sioux City Journal*, October 19, 1925.

Some forgotten Mills County history, by Seth Dean, in the *Glenwood Opinion*, October 22, 1925.

Pioneer religious denominations, in the *Bloomfield Democrat*, October 22, 1925.

Ansel Briggs, the first Governor of the State of Iowa, in the *Dubuque Times-Journal*, October 25, 1925.

When Mark Twain attended the theatre, in the *Keokuk Citizen*, October 23, 1925.

Lizzie Casady, the first white child born in Sioux City, in the *Sioux City Journal*, October 25, 1925.

Death of Marvin Scudder, Mexican War veteran, in the *Creston Advertiser*, October 26, 1925, and the *Corning Free Press*, October 30, 1925.

Shellsburg's first merchant, in the *Rockwell City Advocate*, October 29, 1925.

The early churches of Davis County, in the *Bloomfield Democrat*, October 29, November 5, 12, 19, 26, 1925.

Early court methods, in the *Le Mars Sentinel*, October 30, 1925.

Fifty years of Sac County, in the *Grinnell Herald*, November 3, 1925.

Sketch of the life of Charles D. Smith, founder of Lake Mills, in the *Lake Mills Graphic*, November 4, 1925.

A peace pact with Lee County Mormons, in the *Keokuk Citizen*, November 6, 1925.

Sketch of the career of Erastus Hayden Franks, who knew Lincoln, Buffalo Bill, and Mark Twain, in the *Cedar Rapids Gazette*, November 7, 1925.

Woodbury County's first farmer, by Gertrude Henderson, in the *Sioux City Journal*, November 8, 1925.

The first marriage license in Dallas County, in the *Dallas County News*, November 11, 1925.

Death of J. S. Shepherd, veteran editor and printer, in the *Mt. Ayr Record*, November 11, 1925.

Sketch of the career of Judge J. D. Gamble, pioneer jurist of Marion County, in the *Bussey Record*, November 12, 1925.

History of Glenwood school buildings, in the *Glenwood Opinion*, November 12, 1925.

- A Bedford school exhibition in 1861, in the *Bedford Free Press*, November 12, 1925.
- Sketch of the life of Mrs. George M. Hippee, Des Moines pioneer, in the *Des Moines Capital* and the *Des Moines Tribune*, November 13, 1925.
- Howard County Historical Society receives old programs, in the *Cresco Plain Dealer*, November 13, 1925.
- Urbana City as an early day trading point, in the *Centerville Iowegian*, November 14, 1925.
- Sketch of the life of Clara Aldrich Cooley, founder of the Dubuque Woman's Club, in the *Dubuque Telegraph-Herald*, November 17, 1925.
- Pioneer days in the vicinity of Mason City, in the *Mason City Gazette*, November 18, 1925.
- Political memoirs of Judge George W. Crozier, in the *Knoxville Journal*, November 19, 1925.
- Montrose, by J. P. Kennedy, in the *Montrose Journal*, November 19, 26, December 17, 1925.
- Sketch of the career of Benjamin F. Mentzer, Marion pioneer, by Sada Nott, in the *Cedar Rapids Gazette*, November 21, 1925.
- Sketch of the life of Daniel R. Gonder, Mexican War veteran, in the *Sioux City Tribune*, November 23, 1925, the *Sioux City Journal*, November 24, 1925, and the *Jefferson Bee*, November 25 and December 2, 1925.
- Site of first courthouse in Delaware County marked at Delhi, in the *Manchester Democrat*, November 25, 1925, the *Hopkinton Leader* and the *Manchester Radio*, November 26, 1925, and the *Elkader Register*, December 3, 1925.
- Back in 1881, by Ella Francis Soules, in the *Independence Journal*, November 26, 1925.
- A sketch of Company C, 29th Iowa Infantry, in the *Logan Observer*, November 26, 1925.

HISTORICAL ACTIVITIES

The sixty-ninth annual meeting of the governing members of the Chicago Historical Society was held on November 17, 1925. Seven members were elected to the board of trustees.

The New Mexico Historical Society held a memorial service at its meeting on September 15, 1925, for Ralph Emerson Twitchell, who had been its president. A committee on resolutions was appointed which was also instructed to consider the subject of a memorial for Colonel Twitchell.

To take the place of *Old Santa Fe*, which suspended publication several years ago, the New Mexico Historical Society begins in January, 1926, the publication of *The New Mexico Historical Review*, a quarterly magazine. The editors are Paul A. F. Walter and Lansing B. Bloom.

The Oklahoma Historical Society is beginning work on the archaeology of the State and is facing the problem of securing adequate space in a fireproof building for its museum materials. Among its activities was the excavation of a mound in Delaware County from which examples of ancient arts and crafts were secured.

On September 7, 1925, the Landmarks Committee of the State Historical Society of Wisconsin dedicated a marker near the site of Old Helena, where in 1832 troops crossed the Wisconsin River in pursuit of the Indians under Black Hawk. Frank L. Gilbert, Harry E. Cole, and Howard Greene gave addresses on Black Hawk and his problems. Dr. Louise Phelps Kellogg spoke on the fur trade and the ancient shot tower near by.

The seventy-third annual meeting of the State Historical Society of Wisconsin was held at Madison on October 15, 1925. Harry E. Cole, of Baraboo, was elected president and Lucien S. Hanks, of Madison, treasurer. Professor Frederic L. Paxson gave an address on the subject, "A New Frontier in an Old World".

The Minnesota Historical Society is offering prizes totalling \$200 for the best essays written by high school students. The subjects are: "The Story of My Grandparents in Minnesota"; "The Beginnings of My Community", and "An Old Settler's Story of Pioneer Life in Minnesota". The contest is being conducted jointly by the Historical Society and the Minnesota State Federation of Women's Clubs.

The Detroit Public Library is attempting to locate and copy the existing papers of Lewis Cass who served for a number of years as Governor of Michigan Territory and Superintendent of Indian Affairs. Later he was American minister to France and then Secretary of State under James Buchanan. The papers are scattered, some being preserved in the government files at Washington while others are in the possession of a grandson, Lewis Cass Ledyard. A large collection of Cass papers and letters was destroyed soon after the death of Governor Cass.

One of the noteworthy historical events of 1925 was the trip made to points on the upper Missouri in July by a group who were guests of President Ralph Budd of the Great Northern Railroad. There were present representatives of various historical societies, government officials, and some writers and artists. The trip included stops at various places. At Verendrye, North Dakota, a granite monument was presented to the State by the Great Northern Railroad and accepted by Governor A. G. Sorlie. Lawrence J. Burpee spoke of Verendrye's work and T. C. Elliott discussed the career of David Thompson. At the site of old Fort Union a program had been arranged at which over a thousand Indians were present. The program began with a display of French, Spanish, and American flags in the order of the dates of occupation of the territory. A stop was also made at Havre, Montana, where the party visited the battlefield where the Nez Perce Indians were defeated by General Nelson A. Miles. After a stop at Glacier Park, the party proceeded to Meriwether, Montana, where a granite shaft was presented to the State by President Budd in commemoration of Lewis and Clark. The last stop was made at Summit, Montana, where a statue of John F. Stevens, a railroad surveyor and engineer, was unveiled.

IOWA

H. S. Jones of Spencer is preparing a history of Clay County.

W. R. Boyd delivered an address on *Samuel J. Kirkwood* at the celebration of the fiftieth anniversary of David Sands Wright, Iowa State Teachers College, Cedar Falls.

The Daughters of the American Revolution have placed stone markers at nine different spots where the Indians made attacks on the white settlers at Spirit Lake in the spring of 1857.

A monument marking the birthplace of B. F. Carroll, former Governor of Iowa, was dedicated at White Elm, Salt Creek Township, Davis County, on October 22, 1925. Only three of the Governors of Iowa were born in this State — B. F. Carroll, William L. Harding, and Nathan E. Kendall.

It is proposed to designate the road between Dubuque andavenport as the Ansel Briggs Memorial Highway. Over this road Ansel Briggs, later the first Governor of the State of Iowa, carried the mail on horseback. The former home of Governor Briggs was at Andrew, in Jackson County, and would thus be reached by the proposed improvement of the highway.

On November 20, 1925, a tablet was dedicated to mark the site of the first courthouse in Delaware County. This was a log structure erected in 1842 at Delhi and served for ten years. The memorial tablet is a gift to the Pioneer Club of Delhi by J. W. Swinburne. Speeches were made by Mr. Swinburne, W. S. Beels, J. W. Corbin, E. M. Carr, and Clyde H. Doolittle.

The Pella Historical Society, which was organized in April, 1925, now has about forty members. H. F. Johnson is the president, George Hankamp secretary, and A. N. Vander Linden treasurer. A collection of books, manuscripts, and relics is being made and at present is given quarters in the city library. Plans are being made, however, for a building for use as an historical museum.

A memorial to Antonin Dvorak, the Bohemian composer, was dedicated at Riverview Park, Spillville, Iowa, on September 28,

1925. Dvorak, famous for "Humoresque", "New World Symphony", and other well known compositions, spent three months at Spillville during the summer of 1893 and while there worked on the "New World Symphony". Mrs. Louis B. Schmidt, chairman of the Historic Spots Committee of the Iowa Conservation Association, gave the dedicatory address.

The meeting of the Historical Society of Marshall County on November 19, 1925, was in the form of an old time program. Costumes of long ago attracted much attention and a display of antiques and relics brought forth many prized possessions. Mrs. Martha Greene talked of old time experiences; Mrs. F. A. Moscrip read a paper, "The Ground Sills of Civilization", which had been prepared by her husband; and a paper on historic spots in Marshall County was read by Mrs. G. W. Darling.

THE STATE HISTORICAL SOCIETY OF IOWA

The Story of the 168th Infantry, by John H. Taber, recently published by the State Historical Society of Iowa, is being reprinted serially in the *Ames Tribune* and the *Cedar Rapids Gazette*.

Miss Helen Otto who has been a member of the staff of The State Historical Society Library for a number of years has resigned. Miss Adelaide M. Gill has been selected to fill the position thus vacated.

An oil portrait of Aaron D. Stephens, a member of John Brown's force at Springdale, Iowa, and at Harper's Ferry, Virginia, has been donated to the State Historical Society of Iowa by Zona Maxon through the interest of Mrs. Joseph Walker. The portrait was made by Isaac A. Wetherby of Iowa City.

The following persons have recently been elected to membership in the Society: Mrs. Guy S. Brewer, Des Moines, Iowa; Mr. W. A. Brindley, Fort Dodge, Iowa; Mr. F. Earl Burgess, Rock Rapids, Iowa; Mr. William C. Cleworth, Marshalltown, Iowa; Miss Eva U. Curless, Deep River, Iowa; Mrs. A. V. de Goicauria, Santa Barbara, Calif.; Miss Mary K. Fuller, Cedar Rapids, Iowa; Mr. O. M. Green, Prescott, Iowa; Mr. J. C. Hagler, Des Moines, Iowa; Miss

Mae Heathershaw, Des Moines, Iowa; Mr. A. Hollingsworth, Keokuk, Iowa; Mr. Fred H. Hunter, Des Moines, Iowa; Mrs. F. H. Kirchner, Lone Tree, Iowa; Mr. D. W. Knepper, Iowa City, Iowa; Mr. Becker C. Knudsen, Clinton, Iowa; Mr. George Philip Neal, Fort Madison, Iowa; Miss Myrtle A. Nicklin, Des Moines, Iowa; Mr. J. R. Perkins, Council Bluffs, Iowa; Mr. William S. Rigdon, Council Bluffs, Iowa; Miss Mary Sturgeon, Des Moines, Iowa; Dr. H. R. Sugg, Clinton, Iowa; Mr. H. J. Swift, Fayette, Iowa; Dr. Mary L. Tinley, Council Bluffs, Iowa; Dr. A. W. Bennett, Iowa City, Iowa; Mr. J. L. Bonar, Algona, Iowa; Mr. Abraham Brody, Des Moines, Iowa; Mr. Harry F. Brown, Ames, Iowa; Mr. C. F. Butler, Springville, Iowa; Miss Christyna Callison, Britt, Iowa; Mr. Jno. Carson, Emerson, Iowa; Mr. Chas. W. Dau, Des Moines, Iowa; Mr. Kenneth H. Davenport, Creston, Iowa; Mr. E. W. Dingwell, Adel, Iowa; Mr. F. D. Fillmore, Cedar Rapids, Iowa; Mr. F. E. Fuller, Cedar Falls, Iowa; Dr. M. W. Grubb, Galva, Iowa; Mr. F. K. Hahn, Cedar Rapids, Iowa; Dr. Edward J. Harnagel, Des Moines, Iowa; Mr. B. W. Humphrey, Hopkinton, Iowa; Miss Irene M. Hunsley, Britt, Iowa; Mr. W. M. Hyland, Osceola, Iowa; Mr. P. F. Keehn, Cedar Rapids, Iowa; Mr. W. M. Keeley, Washington, Iowa; Mr. C. F. McIntosh, Cedar Rapids, Iowa; Miss Flora McNabb, Britt, Iowa; Miss Adda P. Mershon, Des Moines, Iowa; Miss Eleanor Meyer, Clinton, Iowa; Capt. H. D. Peckham, Villisca, Iowa; Mrs. M. Russell Perkins, Burlington, Iowa; Mr. Harold Purvis, Clinton, Iowa; Mr. John D. Randall, Cedar Rapids, Iowa; Mr. William R. Reisinger, Cedar Falls, Iowa; Mr. C. E. Richman, Cedar Rapids, Iowa; Mr. E. C. Roberts, Davenport, Iowa; Mr. Bland Runyon, Sioux City, Iowa; Mr. O. M. Slaymaker, Osceola, Iowa; Mr. H. R. Straight, Adel, Iowa; Dr. Clarence I. Thomas, Guthrie Center, Iowa; Miss Carrie Treon, Centerville, Iowa; Mr. Otha Wearin, Hastings, Iowa; Dr. L. C. Weeks, Detroit, Minn.; Mr. E. C. Wissler, Boone, Iowa; Mr. M. R. Ansbach, Clarinda, Iowa; Mr. J. H. Axt, Fort Madison, Iowa; Rev. J. V. Bacci, Mason City, Iowa; Mr. E. E. Bachman, Gladbrook, Iowa; Mr. Don L. Berry, Indianola, Iowa; Mr. C. N. Bigelow, Adel, Iowa; Mrs. Edward F. Bilharz, Audubon, Iowa; Mr. E. D. Bradley, Muscatine, Iowa; Mr. O. D. Braker, Ogden, Iowa; Mr. George Braunlich, Dav-

enport, Iowa; Mr. George H. Breidert, Cedar Rapids, Iowa; Mr. W. E. Breidert, Cedar Rapids, Iowa; Mr. W. H. Brenton, Dallas Center, Iowa; Mr. Orlando M. Brockett, Des Moines, Iowa; Mr. C. A. Clarke, Sioux City, Iowa; Mr. W. H. Clary, Preseott, Iowa; Dr. Edwin Cobb, Marshalltown, Iowa; Mr. Chas. G. Cockerill, Jefferson, Iowa; Mrs. Harley Condra, Seymour, Iowa; Mr. E. Leslie Crabb, Guthrie Center, Iowa; Miss Charlotte M. Davis, Iowa City, Iowa; Mr. John T. Dearborn, Red Oak, Iowa; Mr. Henry DeLong, Council Bluffs, Iowa; Mr. LeRoy C. Dunn, Des Moines, Iowa; Mrs. E. P. Eastman, Burlington, Iowa; Dr. L. R. Eller, Fairfield, Iowa; Mrs. M. L. Evans, Emerson, Iowa; Dr. A. G. Felter, Van Meter, Iowa; Mr. H. J. Ferguson, Tama, Iowa; Mr. John C. Fleming, Burlington, Iowa; Miss Marguerite Geiger, Tipton, Iowa; Mr. G. H. Getty, Des Moines, Iowa; Mrs. Alice Glasgow, Mechanicsville, Iowa; Mr. Jno. H. Goepfinger, Boone, Iowa; Miss Elinore Goodwin, Des Moines, Iowa; Miss Ethel L. Goodwin, Des Moines, Iowa; Mr. William Gordon, Sioux City, Iowa; Mr. Guy H. Hall, Dallas Center, Iowa; Mr. M. S. Hallman, Dubuque, Iowa; Mr. G. E. Y. Hammond, Des Moines, Iowa; Mr. Storrs P. Hammond-Knowlton, Watertown, Conn.; Mr. John C. Hancock, Dubuque, Iowa; Mr. A. C. Hansen, Holstein, Iowa; Mr. Robert Rochester Hansen, Marshalltown, Iowa; Mr. Harold Harksen, Goose Lake, Iowa; Miss Martha H. Hemenway, Lansing, Iowa; Miss Marian Hemmings, Hillsboro, Iowa; Mr. Clyde L. Herring, Des Moines, Iowa; Dr. Julia F. Hill, Des Moines, Iowa; Mr. P. G. Hitch, Jr., Fort Madison, Iowa; Mrs. M. L. Holm, Grand Junction, Iowa; Mrs. M. S. Huie, Rock Valley, Iowa; Mr. Royal C. Iliff, West Union, Iowa; Mr. J. H. Ingwersen, Duluth, Minn.; Mr. J. M. Ireland, Tabor, Iowa; Mr. C. S. Johnston, Ottumwa, Iowa; Mr. R. E. Jones, Williamsburg, Iowa; Mrs. Frank R. Kerrigan, Dubuque, Iowa; Rev. William G. Kessler, Dubuque, Iowa; Mr. Ernest Kline, Bloomfield, Iowa; Mr. F. H. Kline, Bloomfield, Iowa; Mrs. J. Ray King, Grundy Center, Iowa; Mrs. Howard L. Knesel, Mason City, Iowa; Mr. Wm. H. Knotts, Laurens, Iowa; Mr. E. B. Long, Sac City, Iowa; Mr. Harry S. Longley, Des Moines, Iowa; Mr. L. R. Lueck, Laurens, Iowa; Mr. R. H. Luther, Adel, Iowa; Mr. William McEvoy, Des Moines, Iowa; Mr. F. C. Macy, Adel, Iowa; Mr. Russell W. Manatt, Cedar Rapids, Iowa; Mr. L. J.

Maresh, Cedar Rapids, Iowa; Mrs. Laura M. Metcalf, Hawarden, Iowa; Mr. A. A. Miller, Davenport, Iowa; Mr. V. Alton Moody, Ames, Iowa; Mr. R. A. Norton, Des Moines, Iowa; Mr. W. A. Parker, Clarinda, Iowa; Mr. D. L. Pascal, DeWitt, Iowa; Mr. W. J. Payne, Algona, Iowa; Mr. C. M. Peabody, Ames, Iowa; Mr. E. S. Phelps, Burlington, Iowa; Mr. R. L. Read, Des Moines, Iowa; Mrs. Joseph R. Reed, Iowa City, Iowa; Mr. H. R. Rhoads, Des Moines, Iowa; Miss Cora H. Richards, Iowa City, Iowa; Mr. H. S. Rittenhouse, Monona, Iowa; Mr. Emory A. Rolfe, Dayton, Iowa; Miss Mary Merle Ronan, Lone Tree, Iowa; Mrs. Fletcher A. Russell, Des Moines, Iowa; Rev. Rudolph M. Schneller, Pisgah, Iowa; Mr. H. A. Searle, Council Bluffs, Iowa; Miss Margaret Seely, Des Moines, Iowa; Dr. Lee E. Shafer, Davenport, Iowa; Mr. Guy E. Shields, Cedar Rapids, Iowa; Mr. R. O. Skar, Cedar Falls, Iowa; Mr. Warren Smith, Winterset, Iowa; Mr. Henry C. Shull, Sioux City, Iowa; Mr. Joseph Shorey, Davenport, Iowa; Mrs. Frederica P. Stiles, Cedar Falls, Iowa; Mr. C. W. Stilson, Waterloo, Iowa; Miss Alice Stoeker, Le Claire, Iowa; Miss Ethelda R. Swartwood, Jefferson, Iowa; Miss Margaret Switzer, Iowa City, Iowa; Mr. John E. Talbott, Brooklyn, Iowa; Mr. M. E. Tate, Keokuk, Iowa; Mr. O. K. Thompson, Emerson, Iowa; Mr. Theron Thompson, Muscatine, Iowa; Rev. G. J. Toher, Stuart, Iowa; Rev. James J. A. Troy, Dunlap, Iowa; Mr. Homer J. Tysor, Iowa City, Iowa; Mr. Fred I. Ward, Jesup, Iowa; Mr. R. Miles Warner, Des Moines, Iowa; Mrs. John W. Watzek, Davenport, Iowa; Dr. Thos. M. Whicher, Des Moines, Iowa; Mr. A. G. Williams, Emerson, Iowa; Col. C. J. Wilson, Washington, Iowa; Rev. W. A. Winterstein, Laurens, Iowa; Mr. A. V. Wise, Creston, Iowa; and Mr. Charles E. Woodbury, Council Bluffs, Iowa.

NOTES AND COMMENT

The Glenwood Woman's Club gave a "pioneer day" program on November 16, 1925. Kathrine Rhoades gave a talk on "Early Day History of the Glenwood Schools" and Mrs. Jas. A. Swope and John Y. Stone gave reminiscences.

The old settlers' association of Mahaska County held a meeting for the purpose of reorganizing on October 22, 1925, at Oskaloosa. Judge Chas. A. Dewey gave the principal address. Oliver H. Vance was elected president; A. R. Hellings, vice president; and G. W. Shockley, secretary-treasurer.

William S. Allen, Secretary of State from 1913 to 1919, died at Fairfield, Iowa, on December 6, 1925. Mr. Allen was born in Henry County, Iowa, on August 26, 1857, and attended Denmark Academy and the State University of Iowa. He was a member of the Twenty-fifth and Twenty-sixth General Assemblies.

Paul F. Peck, professor of history at Grinnell College, died at Evanston, Illinois, on November 20, 1925. He was born at Grinnell on July 15, 1873, and received his B. A. degree from Grinnell College. In addition Mr. Peck spent a year in the law school of the State University and received his Ph. D. degree from the University of Chicago. At the time of his death Prof. Peck was teaching Latin-American history at Northwestern University,—having been granted a year's leave of absence from Grinnell.

Charles H. Babbitt, formerly a resident of Council Bluffs, died at Washington, D. C., on December 3, 1925. Mr. Babbitt served as a Union soldier during the Civil War and at its close returned to Council Bluffs where he was associated with his father in the publication of the *Council Bluffs Bugle*. In 1874 he moved to Washington, D. C., where he was connected with the Government Printing Office, the Adjutant General's office, and later with the General Land Office. He was also known as a newspaper writer and as an author. In 1916 he published *Early Days in Council Bluffs*.

CONTRIBUTORS

HERMAN CLARENCE NIXON, Assistant Professor in the Department of History and Political Science at Vanderbilt University. Born at Merrellton, Alabama, on December 29, 1886. Graduate of Alabama Polytechnic Institute and of the University of Chicago from which institution he received a Ph. D. degree in 1925. Became assistant professor at Vanderbilt University, Nashville, Tennessee, at the beginning of the school year, 1925-1926. See also *THE IOWA JOURNAL OF HISTORY AND POLITICS*, for July, 1923, p. 504.

THOMAS PETER CHRISTENSEN. Born near Ulsted, Denmark, on May 25, 1880, coming to the United States at the age of thirteen. From 1900 to 1909 he was a student at Grand View College, Des Moines, and at the Iowa State Teachers College. Taught in the public schools and from 1919 to 1922 was principal of the high school department at Grand View College. Received the Ph. D. degree from the State University of Iowa in 1924.

THE STATE HISTORICAL SOCIETY OF IOWA

ESTABLISHED BY LAW IN THE YEAR 1857
INCORPORATED: 1867 AND 1892
LOCATED AT IOWA CITY IOWA

FORMER PRESIDENTS

JAMES W. GRIMES *First President*

RALPH P. LOWE
S. J. KIRKWOOD
F. H. LEE
W. PENN CLARKE

ROBERT HUTCHINSON
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THE IOWA STATE BAR ASSOCIATION AND LAW REFORM

I

HISTORY OF THE IOWA STATE BAR ASSOCIATION

The history of the Iowa State Bar Association extends over a period of fifty years. This half century comprises: the period of the Early Iowa State Bar Association, 1874-1881; an interregnum following the lapse of the Early Iowa State Bar Association, 1881-1895; and the life of the present Iowa State Bar Association, 1895-1926.

THE EARLY IOWA STATE BAR ASSOCIATION

The early Iowa State Bar Association was organized at Des Moines on May 27, 1874, at a meeting called by a committee of the Polk County Bar and attended by representatives from all parts of the State. A constitution was adopted, and pursuant to the report of the committee on permanent organization, the following persons were elected as the officers of the Association for the ensuing year: president, James Grant of Davenport; first vice president, C. H. Gatch of Des Moines; second vice president, O. P. Shiras of Dubuque; third vice president, W. A. Stowe of Hamburg; recording secretary, C. A. Clark of Webster City; corresponding secretary, Crom Bowen of Des Moines; treasurer, C. C. Nourse of Des Moines. An executive council composed of one member from each judicial district was also chosen as follows: first, R. H. Gilmore; second, H. H. Trimble; third, N. W. Rowell; fourth, W. L. Joy; fifth, E. Willard; sixth, J. C. Cook; seventh, J. N. Rogers; eighth,

W. G. Hammond; ninth, J. S. Woodward; tenth, John Stoneman; eleventh, W. J. Covil; twelfth, G. C. Wright; thirteenth, J. T. Hanna. The organization having been perfected, the Association adjourned.¹

The subsequent meetings of the Association were all held at Des Moines on May 14, 1875, May 11-12, 1876, May 17-18, 1877, May 14-15-16, 1878, May 14-15, 1879, May 12-13-14, 1880, May 10-11, 1881. The presidents of the Association were: James Grant of Davenport, 1874-1875, 1875-1876; William G. Hammond of Iowa City, 1876-1877; H. H. Trimble of Bloomfield, 1877-1878; John N. Rogers of Davenport, 1878-1879, 1879-1880; George G. Wright of Des Moines, 1880-1881; and John F. Duncombe of Fort Dodge, 1881-1882.²

Addresses were made before the Early Iowa Bar Association by the following eminent persons: Judge T. M. Cooley, "Sources of Inspiration in Legal Pursuits", May 14, 1875; Judge J. M. Love, "The Progress and Development of the Common Law", May 12, 1876; Hon. E. H. Stiles, "The Relation Which the Law and Its Administration Sustain to General Literature", May 12, 1876; Dr. G. F. Magoun, President of Iowa College, "The Claims of the Legal Profession to General Respect in Civilized Society", May 17, 1877; Judge John F. Dillon, "Inns of Court and Westminster Hall", May 14, 1878; Justice Samuel F. Miller, "The Ideals of the Legal Profession", May 13, 1879; Judge George W. McCrary, "Professional Ethics", May 11, 1880; Judge J. M. Woolworth, "English Law as a Social Science", May 10, 1881.

These addresses are all reprinted in the volume, *Proceedings of the Early Iowa State Bar Association, 1874-1881*,

¹ *Proceedings of the Early Iowa State Bar Association, 1874-1881*, pp. 12-17.

² *Proceedings of the Early Iowa State Bar Association, 1874-1881*, pp. 18-87.

published by the Iowa State Bar Association in 1912. This volume was compiled by A. J. Small, Law Librarian of the State Library, to whom the credit for the initiation of the project is ascribed by the committee of the Iowa State Bar Association. Mr. Small's volume begins with the record of the first meeting in 1874 and continues the account of the early sessions down to 1881.³

Although a program had been arranged for a meeting in 1882, the Association did not meet. Several of the persons named on the program were unable to be present on the day set for the meeting, and for this and other reasons the meeting was postponed indefinitely. It was thought that "upon the success of the next meeting will depend the life of the association", and "that unless a more general interest is manifested by the profession many of the present members will abandon further effort to maintain an organization." As there is no further record, evidently no other meetings were held and the first Iowa State Bar Association ceased to exist.⁴

Although limited to a comparatively brief existence, the Early Iowa Bar Association is held in grateful esteem. It stimulated the demand for ethical advancement in the profession and for promotion of the spirit of public service. It opened to view the opportunity of the Association for the promotion of a valuable professional literature in the addresses delivered before it. It brought to pass the early elevation of the standards for admission to the practice of law. Indeed, its one work of law reform justified its existence—the securing of the statute extending the time of study for and regulating admission to the bar. Prior to its

³ *Proceedings of the Early Iowa State Bar Association, 1874-1881*, pp. 6, 18-88, 91-246; *Proceedings of the Iowa State Bar Association*, Vol. XVII (1911), pp. 17, 18, Vol. XVIII (1912), pp. 36, 37, Vol. XIX (1913), pp. 64, 65.

⁴ *Proceedings of the Early Iowa State Bar Association, 1874-1881*, p. 88.

adoption, admissions to the bar were made on motion in all of the district and circuit courts of the State.⁵

The Association was not revived for a period of fourteen years after its last annual meeting, but during this time the work of the Early Bar Association was gradually more and more appreciated, and the need for a professional association became increasingly apparent to the lawyers of Iowa.

THE IOWA STATE BAR ASSOCIATION

The Iowa State Bar Association was organized at a mass meeting of lawyers of Iowa in the Capitol at Des Moines, on December 27, 1894. This meeting was held pursuant to a call dated December 1, 1894, signed by twenty-two leaders of the bar in Iowa, and sent to the bar of every county in the State. It suggested the organization of a State Bar Association, "or the revival of the old one." Hon. Emlin McClain, of Iowa City, was chosen temporary chairman and James W. Bollinger, of Davenport, was the temporary secretary of the organization meeting. An organization was perfected under a plan reported by a committee of five appointed for this purpose and a constitution was adopted. The permanent organization having been effected, the following officers for the Association were elected: president, A. J. McCrary of Keokuk; vice president, L. G. Kinne of Des Moines; secretary, James Bollinger of Davenport; treasurer, John N. Baldwin of Council Bluffs. An executive committee composed of one member from each congressional district was chosen as follows: first, E. S. Huston of Burlington; second, M. J. Wade of Iowa City; third, C. E. Pickett of Waterloo; fourth, J. R.

⁵ *Proceedings of the Early Iowa State Bar Association, 1874-1881*, pp. 42-44, 46-49, 60, 76, 77; *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 29, 30, 72, Vol. XXX (1924), pp. 197, 198; *Laws of Iowa, 1884*, Ch. 168.

Bane of New Hampton; fifth, D. E. Voris of Marion; sixth, L. C. Blanchard of Oskaloosa; seventh, James G. Day of Des Moines; eighth, L. C. Mechem of Centerville; ninth, E. W. Weeks of Guthrie Center; tenth, D. C. Chase of Webster City; eleventh, C. L. Wright of Sioux City.⁶

It is indicative of the interest of Iowa lawyers in law revision and reform that a special judicial committee was appointed at this organization meeting to consider and make recommendations to the Code Commission. This special judicial committee consisted of E. S. Huston of Burlington, Carroll Wright of Des Moines, George W. Seevers of Oskaloosa, P. L. Sever of Stuart, and A. P. McGuirk of Davenport.⁷

Since its reorganization the Iowa State Bar Association has convened annually, and has grown from a membership of 163 in June, 1895, to a membership of 1566 in June, 1925. The Association has held annual meetings in the following cities: Des Moines, 1895, 1903, 1905, 1906, 1910, 1918, and 1924; Davenport, 1896, 1907, 1919 (and to be in 1926); Cedar Rapids, 1897, 1912, and 1920; Mason City, 1898 and 1923; Sioux City, 1899, 1913, and 1922; Iowa City, 1900; Council Bluffs, 1901 and 1917; Dubuque, 1902, 1916, and 1925; Ottumwa, 1904; Waterloo, 1908 and 1921; Marshalltown, 1909; Oskaloosa, 1911; Burlington, 1914; and Fort Dodge, 1915.⁸

The names of the presidents of the Association comprise the following list: 1895, A. J. McCrary of Keokuk; 1896, L. G. Kinne of Des Moines; 1897, J. H. Henderson of Indianola; 1898, M. J. Wade of Iowa City; 1899, James O. Crosby of Garnavillo; 1900, L. C. Blanchard of Oska-

⁶ *Proceedings of the Iowa State Bar Association*, Vol. IV (1898), pp. 3-5.

⁷ *Proceedings of the Iowa State Bar Association*, Vol. IV (1898), p. 6.

⁸ *Proceedings of the Iowa State Bar Association*, Vols. I-XXX (1895-1924), Vol. XXXI (1925), pp. 70, 211.

loosa; 1901, J. J. McCarthy of Dubuque; 1902, J. H. McConlogue of Mason City; 1903, Robert M. Haines of Grinnell; 1904, George W. Wakefield of Sioux City; 1905, A. E. Swisher of Iowa City; 1906, Wm. H. Baily of Des Moines; 1907, H. M. Towner of Corning; 1908, D. D. Murphy of Elkader; 1909, James W. Bollinger of Davenport; 1910, Charles M. Harl of Council Bluffs; 1911, J. L. Carney of Marshalltown; 1912, C. G. Saunders of Council Bluffs; 1913, H. E. Deemer of Red Oak; 1914, John F. Lacey of Oskaloosa; 1915, F. F. Dawley of Cedar Rapids; 1916, A. N. Hobson of West Union; 1917, Wm. McNett of Ottumwa; 1918, Charles W. Mullan of Waterloo; 1919, Henry L. Adams of Des Moines; 1920, Emmet Tinley of Council Bluffs; 1921, Charles M. Dutcher of Iowa City; 1922, Jesse A. Miller of Des Moines; 1923, James A. Devitt of Oskaloosa; 1924, Truman S. Stevens of Hamburg; 1925, A. Hollingsworth of Keokuk; 1926, J. E. E. Markley of Mason City.⁹

The names of the secretaries of the Association, upon whom has fallen the responsibility for the records and the publication of the annual volume of proceedings are given in the following list: 1895-1896, James W. Bollinger of Davenport; 1897-1899, Nathan E. Coffin of Des Moines; 1899-1905, Sam S. Wright of Tipton; 1906-1911, Charles M. Dutcher of Iowa City; 1912-1918 and 1919-1923, as secretary-treasurer, H. C. Horack of Iowa City; 1924-1926, as secretary-treasurer, Clyde H. Doolittle of Manchester,¹⁰ now of Des Moines.

The constitution of the Association states the purpose of the organization: "To elevate the science of jurispru-

⁹ *Proceedings of the Iowa State Bar Association*, Vols. I-XXXI (1895-1925).

¹⁰ *Proceedings of the Iowa State Bar Association*, Vols. I-XXXI (1895-1925). For a list of the present officers see the *Proceedings of the Iowa State Bar Association*, Vol. XXXI (1925), p. 208.

dence, to promote reform in the law, to facilitate the administration of justice and equity, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education for the law and to cherish a spirit of brotherhood among the members thereof.”¹¹

The annual addresses by distinguished jurists, lawyers, and judges, one of which is a special feature of each annual program of the Association, are published in full in the annual proceedings. The list of these annual addresses is as follows: 1895, L. G. Kinne, “How the Supreme Court Disposes of Cases”; 1896, John Barton Payne, “The Legal Profession: Its Opportunities and Obligations”; 1897, John Gibbons, “Security Under the Law Is the Shaft and Shield of the Republic”; 1899, J. H. McConlogue, “The American Lawyer; His Obligations and Opportunities”; 1900, John L. Webster, “Has the United States a Duty and a Destiny to Fulfill in China?”; 1901, Smith McPherson, “The Recent Insular Tariff Decisions by the Supreme Court of the United States”; 1902, Paul E. Carpenter, “Some of the Legal Phases of Insanity”; 1903, David J. Brewer, “The Triumph of Justice”; 1905, Emlin McClain, “Limitations on Federal Power in the Government of Territories”; 1906, John Campbell, “Freedom of the Executive in Exercising Governmental Functions from Control by the Judiciary”; 1907, Hannis Taylor, “The Science of Jurisprudence”; 1908, George R. Peck, “The March of the Constitution”; 1909, John H. Wigmore, “The Science of Criminology — Rules of Evidence in Criminal Cases”; 1910, C. S. Thomas, “Justice Delayed Is Justice Denied”; 1911, John Burke, “Employers’ Liability and Workingmen’s Compensation Acts”; 1912, William Ren-

¹¹ *Proceedings of the Iowa State Bar Association*, Vol. IV (1898), p. 12, Vol. XXXI (1925), p. 211.

wick Riddell, "Comparison of the Constitution of the United States and Canada"; 1913, Emory Speer, "Americanism and American Judges"; 1914, Roscoe Pound, "The Judicial Office in the United States"; 1915, Charles B. Elliott, "The Lawyer as a Craftsman"; 1916, James G. Johnson, "Our Citizenship and Our Jurisprudence"; 1917, Burton Hanson, "Benjamin Franklin"; 1918, Rome G. Brown, "The Disloyalty of Socialism"; 1919, Samuel J. Graham, "The Legal Profession as Related to Government"; 1920, Harry Olson, "Court Organization, Procedure, and the Psychopathic Laboratory"; 1921, C. S. Thomas, "Lawyers and Legislation"; 1922, Cordenio A. Severance, "The Constitution and the Courts"; 1923, Jas. Hamilton Lewis, "America as Author of New International Law"; 1924, James H. Wilkerson, "The American Bar — The Nation's Great Conservative Force"; 1925, James A. Reed, "Centralization, National and International".¹²

Each year several papers are read before the Association, usually by well-known lawyers and judges of Iowa. These papers are also published in the annual proceedings.¹³ In addition to this body of professional literature the annual proceedings contain the addresses and toasts delivered at the annual bar banquets, embodying the wit and humor of the festive board as well as the more serious wisdom and philosophy of the law. In fact the time has come when to own a set of the *Proceedings of the Iowa State Bar Association* is to possess a veritable treasury of the literature of the law and its practice.

The Association functions in its several activities with the aid of an elaborate system of standing committees, the

¹² *Proceedings of the Iowa State Bar Association*, Vol. XXXI (1925), pp. 227, 228.

¹³ *Proceedings of the Iowa State Bar Association*, Vol. XXXI (1925), pp. 229-233.

members of which are appointed annually by the president. The limits of space preclude an extended description of this admirable committee system, but mention may be made in passing of the Committees on Law Reform, on Legal Education and Admission to the Bar, on Legal Biography, on Professional Ethics, on Uniform State Laws, on Taxation, on Legislation, and on Code Revision. The designations of these committees are suggestive of their many varied activities.¹⁴

II

THE RESPONSIBILITY OF THE BAR

The purpose of this paper is to make a study of the spirit and progress of the Iowa Bar toward public movements and law reform as revealed by the action of the one organization of potential influence among lawyers, the Iowa State Bar Association.

A LAWYER'S VIEW

The responsibility of the bar in respect to these matters was discussed by Hon. Wm. McNett, of Ottumwa, in an address of welcome to the State Bar Association in 1904, in which he said:

It is our fortune to be living in an age of marvelous development, and of rapid and far reaching changes in the social order, and in all these movements the judiciary and the profession necessarily perform a most important part.

We cannot escape our share of the responsibility in shaping and giving proper direction to these new forces, if we would, and we should not if we could

The position of the lawyer in a free state, as the preserver alike of freedom and order, has perhaps never been expressed with more

¹⁴ *Proceedings of the Iowa State Bar Association*, Vol. XXXI (1925), pp. 212, 217, 219, 220.

felicity than in these noble words of the great lawyer and forensic orator, Rufus Choate:

"It may be said, I think, with some truth of the profession of the Bar, that in all political systems and in all times it has seemed to possess a two fold nature; that it has seemed to be fired by the spirit of liberty, and yet to hold fast the sentiments of order and reverence, and the duty of subordination; that it has resisted despotism and yet taught obedience; that it has recognized and vindicated the rights of man, and yet has reckoned it always among the most sacred and most precious of those rights, to be shielded and led by the divine nature and immortal reason of law; that it appreciates social progression and contributes to it, and ranks it in the classes and with the agents of progression, yet evermore, counsels and courts permanence and conservatism and rest; that it loves light better than darkness, and yet like the eccentric or wise man in the old historian, has a habit of looking away as the night wanes, to the Western sky, to detect there the first streak of returning dawn."¹⁵

A LAYMAN'S VIEW

President Homer H. Seerley, of the Iowa State Teachers' College, in an address before the Iowa State Bar Association, entitled "The Layman's View of the Lawyer", expressed some pertinent thoughts on law-making and the influence of the lawyer in the following words:

The American people are great lawmakers. They are like that notable assembly on Mars Hill which diligently sought to know the new things, in that they constantly endeavor to seek out the making of new laws. The American people believe, or act as if they believe, that civilization is determined by the acts of legislatures and the enforcement of said statutes by the courts. They seem to forget that the enactment and the revision of laws never yet made civilization. Laws are but the expression of the standards adopted formally by civilization. Laws that are before their time, and that are unnecessary to the welfare of the people, may even be the preliminary suggestion that starts among a people evils that teach

¹⁵ *Proceedings of the Iowa State Bar Association*, Vol. X (1904), pp. 23, 24.

insubordination and crime, evils that break down the bulwarks of civilization. Progress among men must come before law. Righteousness must be obeyed by the majority before enactments are effective. There is much to be done before laws are needed. The work of educating and training a people is preparatory to legislation, as there must be majorities in a republic that are active and reliable before any community can be trusted to accept the supremacy of law.

Schools, churches, homes, social influences, newspapers, libraries, workers of all kinds who seek first the civilization of individual men in the establishment of righteousness, are the cornerstones of a civilization whose law making and justice are supreme. For this reason the system of public education in its work with the people must always receive important consideration. For this reason the training of the teachers for the common schools is entitled to a large place in the thoughts and in the effort of the present age. For this reason the greatest opportunities should be opened and the greatest support and sympathy should be given to those who stand at the teacher's desk and labor for a better civilization. For this reason there should be more and more done for prevention in order that there may be less and less done for cure and for punishment.

No class of citizens in this country are able to do as much, indirectly and directly, for these great agencies as is able to be done by the members of the bar. Their vantage ground gives them chances to know and see the facts, their capabilities as individuals are beyond the ordinary, and they are thus able to accomplish; their prosperity gives them large efficiency, and their influences for the right things are immeasurable by the common standards; their advice and leadership is sought on every hand, giving them daily opportunities that other vocations never possess. If the members of the bar of the state and the nation were to unite on those great issues of civilization, if they were willing to do all they can to the insuring of the progress in enlightenment and righteousness, the day of a greater people for America and for the world at large would come, progress would be a certainty, righteousness would prevail, and the greatest and most lasting civilization in history would be a fact.¹⁶

¹⁶ *Proceedings of the Iowa State Bar Association*, Vol. XI (1905), pp. 86, 89, 90.

III

THE BAR IN PUBLIC MOVEMENTS

ARBITRATION AND WAR

During the thirty years history of the reorganized Iowa State Bar Association, many public movements have passed upon the scene of world activities. The interest taken by the Bar in some of these great movements is shown in the action of the Association. The Association, without dissent, adopted the resolution approving the settlement of national controversies by an International Board of Arbitration and recommending, in accordance with the request of the New York Bar Association, that a committee of the Iowa Association be appointed to act with like committees of other State Bar Associations in securing needed provisions and tribunals for the peaceful settlement of international controversies.¹⁷

In 1917 the Iowa State Bar Association by a unanimous vote adopted the resolution pledging to the President of the United States "its unqualified support of every act which may be done, and every measure which may be taken, to maintain the principles of democracy upon which our Government is founded, and to gain a victory for such principles in the war that has been forced upon this nation by the Imperial Government of Germany". This resolution was telegraphed to President Wilson and a courteous reply of appreciation was returned by him to the president of the Iowa Bar Association. Furthermore, before adjournment, the Association adopted among others the resolution: "we recognize the national crisis that confronts us and the peculiar obligation that rests upon the members

¹⁷ *Proceedings of the Iowa State Bar Association*, Vol. II (1896), pp. 129, 131, 132.

of the legal profession to emphasize the duty of our citizenship and to stand loyally by the Government of this Nation in its hour of need, and we here and now pledge to this Nation the loyal and unstinted support of the members of this Association to the end that at all times and under all circumstances the Government shall be sustained before the people in its efforts to restore world peace, and to establish beyond the reach of successful assault the principles of free government.”¹⁸

These resolutions were followed by other concrete expressions of the spirit of service. The dues of members in the military or naval service of the United States were remitted by the Association during the period of the war. A committee was appointed to devise a plan to look after lawyer-soldiers' clients. A “Resolution Concerning Military Service” was adopted, providing “that we strongly recommend to the several local Bar Associations of Iowa that such local Bar Associations arrange to care for the business of its fellow members of the Bar who serve their country during the war by entering any branch of the military service; that the fees thus earned or a substantial part thereof be given to such member or his family; that, in so far as possible, his clients be preserved to him and, if need be, substantial aid be otherwise rendered such member or his family”¹⁹.

By resolution of the Association it was declared to be the duty of a lawyer to render all service in relation to war registrants and their classification without compensation or charge, as simply meeting the duty of a patriotic citizen. The Association adopted a plan for a committee to organ-

¹⁸ *Proceedings of the Iowa State Bar Association*, Vol XXIII (1917), pp. 158, 231.

¹⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 160, 187, 232.

ize the State and select a lawyer in each county for war purposes and for the benefit of relatives of soldiers in service. At the meeting held during the second year of the war the Association by resolution again recognized the war obligation resting upon the members of the legal profession, renewed its pledge of loyalty to the nation, and denounced ill-advised peace propaganda.²⁰

At the Association meeting in 1919 the war services of the Bar were recounted in the following quotation from the report of the Committee on Legal Ethics:

Your committee is proud to report that members of the Bar of Iowa have kept their pledges contained in the resolutions adopted at the meetings held in 1917 and 1918 In every field of patriotic activity the Iowa Bar was present discharging its obligation. They have kept their faith. We report that the duty has been performed. There is honor enough for all. The lustre of the Bar has not been dimmed and we now return to our ways of peace fully conscious of the fact that our duty has been discharged.

Some of our brethren are not here today. The stars upon their service flags have turned to gold. They sleep in the soil of France with their comrades who fell by their side. . . . We salute the dead and point to their sacrifices as an inspiration for those who shall come after us and follow the ways of our honorable profession.²¹

FEDERAL SUFFRAGE AMENDMENT

In 1918 the Association took action on behalf of the constitutional suffrage amendment then pending before the Senate of the United States. Upon request by telegram from the presidents of the Iowa Equal Suffrage Association and the Iowa Federation of Women's Clubs and the chairman of the Women's Committee Council of National

²⁰ *Proceedings of the Iowa State Bar Association*, Vol. XXIV (1918), pp. 146-149, 207, 208.

²¹ *Proceedings of the Iowa State Bar Association*, Vol. XXV (1919), pp. 129-133.

Defense that the Association telegraph the Senate requesting it to pass the amendment, a committee was appointed for the purpose and a telegram was sent to Senator A. B. Cummins, the senior Senator from Iowa, conveying a resolution of the Iowa State Bar Association, urging "upon the Senate of the United States favorable action on the proposed amendment to the Constitution granting equal suffrage".²²

CONSERVATIVE GOVERNMENT

In 1920 a significant address was delivered before the Association by its president, Emmet Tinley, upon the subject, "Government and Its Menace". Mr. Tinley deplored the paternalistic rôle of government as exemplified in the Non Partisan League experiment in North Dakota. He said:

Surely no true conception of government will tolerate the paternalistic theory of a direct participation in the usual and ordinary activities of man. I see no particular occasion for alarm in the governmental regulation and even control of the habits, personal and business practices, appetites and passions of men, but I do contend that the government abandons its sovereignty and assumes the status of a citizen when it attempts to engage in the activities of the citizen There are personal liberties and rights of persons and rights of property that cannot be invaded by the government. Without these liberties and without these rights, democracy vanishes and autoocracy reigns the real menace to our government lies in its failure to exercise fully and intelligently the powers given to it by the Constitution and in the assumption of powers not granted by the Constitution and which violate the natural rights of man.

At the close of this address the Bar Association unanimously adopted a motion, "That the Association approves

²² *Proceedings of the Iowa State Bar Association*, Vol. XXIV (1918), pp. 148, 206.

and adopts the political philosophy advanced by our President in this Address as the sense and spirit of this meeting."²³

In 1923 a paper entitled "Render Unto Business the Things That Pertain to Business, and Unto Government the Things That Pertain to Government", was presented before the Association by Hon. Burton E. Sweet, of Waverly. Mr. Sweet urged the fundamental necessity of the separation of government from the sphere of business. He closed with the admonition, "Let us take a position that is in harmony with the orderly administration of justice and in accordance with the principles set forth in the Declaration of Independence and the Constitution of the United States as interpreted by the Fathers." Upon the conclusion of his presentation of this paper, a motion was unanimously adopted ordering that it be printed and distributed at the expense of the Association. The Association unanimously adopted resolutions protesting against false and unfounded attacks upon the Federal Supreme Court and its decisions and denouncing as inimical persons all those thus seeking to mislead the minds of the people. In 1925 Senator James A. Reed of Missouri was given a vote of thanks of the Association for his "splendid American address on Centralization, National and International", and it was unanimously ordered that it be printed in the proceedings.²⁴

AMERICAN CITIZENSHIP EDUCATION

During the period since the World War, the American Bar Association and the Bar Associations of the several

²³ *Proceedings of the Iowa State Bar Association*, Vol. XXVI (1920), pp. 186-205.

²⁴ *Proceedings of the Iowa State Bar Association*, Vol. XXVIII (1922), pp. 230, 231, Vol. XXIX (1923), pp. 213-223, Vol. XXXI (1925), pp. 193-207.

States, in common with the American Legion and other patriotic agencies, have been active in promoting the principles of American citizenship and education in government. The question of the teaching of the Constitution has especially stimulated action in the State Bar Associations. The Iowa Bar Association in 1923 unanimously adopted a resolution creating a standing Committee on American Citizenship. The duties of this committee are to devise means of having the Constitution of the United States, the Constitution of the State of Iowa, and the ideals of good citizenship properly taught in every school, college, and university in the State, to establish a speakers' bureau from the membership for service in the promotion of public education in good citizenship and in the nature and ideals of our government, and to coöperate with newspapers, local bar associations, and the American Bar Association in the promotion of education in American citizenship. An appropriation not exceeding one thousand dollars annually from the funds of the Iowa State Bar Association was authorized for the purposes of carrying on the work of this committee. Resolutions were unanimously adopted in 1922 and 1923 defending the Supreme Court of the United States against the unjust criticisms and ill-advised proposals for limiting its powers and judgments on constitutional questions, and further expressing profound confidence in the courage, fidelity, and patriotism of the members in their maintenance of the highest ideals and traditions of that tribunal.²⁵

The American and State Bar Associations, the American Legion, the National Security League, and the American Political Science Association have been interested in the promotion of laws requiring the teaching of the Con-

²⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXVIII (1922), pp. 230, 231, Vol. XXIX (1923), pp. 193, 197, 199, 200.

stitutions of the United States and of the several States. In 1921 the legislature of Iowa enacted a law requiring such instruction, and in 1924 adopted an amendment prescribing examination in the fundamental principles of a republican form of government and the Constitution of the United States and of the State of Iowa as conditions for the issuance of teachers' certificates. The Iowa Bar Association in session in 1924 unanimously adopted a resolution asking the Iowa State Board of Education "to make provision in the University of Iowa, the Iowa College of Agriculture and Mechanic Arts, and in the Iowa State Teachers' College, for a regular course of study of at least nine weeks, of 'American Citizenship and the Constitution.'" The resolution further requested "that such course be also adopted in all other colleges, public or private, in the State of Iowa." At the same time the Association extended the duties of the Committee on American Citizenship and continued the appropriation which had been made in 1923 and not used.²⁶

TEMPLE OF JUSTICE

In 1914 a movement began in behalf of the erection of a Judiciary Building by the State. The proposal originated in the report of the Association's librarian, A. J. Small, showing the necessity for fireproof housing for the State Law Library, of which he had charge. Justice Horace E. Deemer of the Supreme Court was among those interested in this recommendation, and he was appointed chairman of a special committee to continue the presentation of the matter. Justice Deemer presented the report of the committee to the Association in 1915, showing the fire hazard to the State Law Library and the need of additional space

²⁶ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 110-114; *Laws of Iowa*, 1919, Ch. 406, 1921, Ch. 91; *Code of 1924*, Sec. 3862.

for the Supreme Court. The State Law Library was then valued at from a half to three quarters of a million dollars. A Committee on the Judiciary Building, consisting of one member from each congressional district, was selected. Justice Deemer again reported for the committee in behalf of a Judiciary Building in 1916, and the committee was continued by a unanimous vote.²⁷

In 1917 Librarian A. J. Small commended the committee on its efforts to secure the erection of a Judiciary Building, a bill for the project having been passed by the Senate although it failed in the House. Justice Deemer died in February, 1917, and the report of the committee in 1917 was presented by Senator J. L. Carney. The committee was continued for the ensuing year and until the meeting of the next session of the legislature. In 1918 the report of Librarian A. J. Small to the Association again referred to the necessity for a Judiciary Building, or Temple of Justice. In 1922 Librarian Small's report suggested the appointment of a committee to represent the Association before the legislature and to endeavor to secure an adequate appropriation for the project.²⁸

The Librarian's report to the Association in 1924 related the history of the movement for the Temple of Justice, showing that it had progressed so far as to have secured by legislative act in 1919 an appropriation of \$750,000. The appropriation, however, proved insufficient, and the Thirty-ninth General Assembly loaned the fund to the State Treasury. In 1923 the funds originally appropriated for the Temple of Justice were turned back to the general fund

²⁷ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 162-167, Vol. XXI (1915), pp. 90, 91, 117-121, 123, 163, 164, Vol. XXII (1916), pp. 167-170.

²⁸ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 46, 154-157, Vol. XXIV (1918), pp. 208, 209, Vol. XXVII (1921), p. 20, Vol. XXVIII (1922), pp. 156, 157.

of the State and the plans were placed in the hands of the Executive Council. Mr. Small urged continued aggressive action for the project of a Temple of Justice.²⁹

LAW REFORM COMMISSION

At its 1924 meeting the Iowa Bar Association declared itself in favor of an extensive investigation in the movement relating to the matter of law reform. A proposal was presented by the Committee on Law Reform embodying "a recommendation which might be said to be revolutionary in our practice, but which is evolutionary, we believe". This proposal recommended the appointment of a committee from the bench, active practitioners, and faculties of the law schools of the State to make a study of the systems of judicature with particular reference to the following features: (1) a unified court of judicature having general superintendence of the administration of justice, and departments for conciliation, small claims, estates and trusts, contested cases, and review; (2) the substitution of rules of court for the statutory regulation of practice, including the simplification of pleading; (3) continuous sessions of the unified court and rules for expeditious determination of all matters of controversy; (4) prohibition of new trials in law actions and criminal cases except for erroneous legal decisions resulting in a verdict for the wrong party, a verdict clearly contrary to the facts or the law, or in an apparent miscarriage of justice; (5) prompt notice of appeal and certification of the record for review; (6) the substitution of safeguarded informations for indictments by the grand jury; (7) any proposal for a reform that the committee may think worthy of investigation.

This proposal was discussed, and after a motion to lay

²⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 198-200; *Laws of Iowa*, 1919, Ch. 349, 1921, Ch. 336, 1923, Ch. 312.

it on the table had been defeated, the motion to adopt it was carried. The Committee on Law Reform in presenting this proposal said that it believed that "it is incumbent upon the bench and bar of Iowa to make a determined effort to remedy as far as practicable the ancient complaint of delay, uncertainty and expensiveness in the administration of the law." It was contemplated in the action taken that the legislature should appoint the proposed commission, or authorize the Governor to make the appointment.³⁰

IV

THE BAR IN PROFESSIONAL REGULATION

LEGAL EDUCATION AND ADMISSION TO THE BAR

The Association has consistently worked for the advancement of standards of legal education and admission to the bar. At its first session, in 1895, Emlin McClain, chairman of the Committee on Legal Education and Admission to the Bar, read the report recommending a statutory amendment requiring a showing of three years study and an English education equivalent to a high school course before examination and admission to the bar. Further recommendation called for a statute providing for the appointment by the Supreme Court of a standing committee of three members of the Bar to have charge of examinations for admission, under the directions and rules of the Supreme Court. After a general discussion, these recommendations were unanimously adopted together with a further resolution for transmittal of copies thereof to the Judiciary Committees of the Senate and the House.³¹

³⁰ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 132-145.

³¹ *Proceedings of the Iowa State Bar Association*, Vol. I (1895), pp. 26, 27, 72, 73.

The committee renewed its recommendations the following year and further recommended the appointment of a special committee to present the matter to the legislature. This report was adopted by the Association and similar action was taken in 1897.³²

In 1899 the Association adopted the following recommendations of the Committee on Legal Education: (1) for a statute requiring for admission to the bar three years study of the law and a preliminary general education substantially equivalent to that of a high school course; (2) for a permanent commission of five, including the Attorney General, with additional members as necessary, to conduct the examinations before the Supreme Court for admission to the bar; (3) for a special committee of three members to bring these recommendations before the legislature.

On reporting to the Association in 1900 and 1901, the Committee on Legal Education was gratified to announce the enactment of the recommended measures into the law of Iowa, effective on July 4, 1901. Justice McClain commended the Association on putting the matter of admission to the bar into the hands of a permanent examining committee instead of leaving it to the mercy of temporary committees under the guidance of the Supreme Court, at the time when the courts are so crowded with cases that it is impossible for them to give adequate attention to the business. He lauded this as a notable achievement, and he congratulated the Association in having been able to take the step in advance.³³

³² *Proceedings of the Iowa State Bar Association*, Vol. II (1896), pp. 125, 126, Vol. III (1897), pp. 34-38.

³³ *Proceedings of the Iowa State Bar Association*, Vol. V (1899), pp. 26-28, 55, 56, Vol. VI, (1900), pp. 78, 79, Vol. VII (1901), 71, 72; *Laws of Iowa*, 1900, Ch. 11.

Thus Iowa was placed on an equality with other States in legal education requirements. In 1905, however, the Association of American Law Schools adopted a resolution requiring the completion of a four year high school course before admission to a law school. Iowa could not be expected to lag behind. Upon the recommendation of the Committee on Legal Education and Admission to the Bar the Association in 1906 adopted a recommendation for a four year high school course instead of three years as a prerequisite in preparation for the Iowa bar examination. The Law School of the State University could not afford to forego membership in the Association of American Law Schools, so the management changed the requirements for admission to that school to a four year high school course or its equivalent. This caused a discrepancy between the requirements of the law school and that of the State Board of Bar Examiners, and in 1907 the Iowa legislature amended the law relating to qualifications for admission to the bar so as to require a four year high school course or its equivalent.³⁴

In 1914 the Association adopted three recommendations of the Committee on Legal Education and Admission to the Bar, as follows: (1) that the law schools of Iowa provide instruction in Federal Practice and Procedure and Jurisdiction of Federal Courts, and that applicants for admission be examined therein; (2) that the law regulating admission of attorneys from other States require that such person admitted to the bar in Iowa on motion make satisfactory showing by certificate of a judge that he has practiced law at least three years in such State, is of good character, and that he was duly admitted to practice according to the laws of the State from which he produces

³⁴ *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), pp. 69, 70, Vol. XIII (1907), pp. 86, 87; *Laws of Iowa*, 1907, Ch. 11.

the certificate; (3) that the rules governing admission to the bar should require that law office candidates must register with the Attorney General at the beginning of their period of study and must then submit their proofs of preliminary education. Two years later the Association recommended to the legislature that in all cases wherein a student pursues all or part of his legal studies in a law office, he be required to file in the office of the Clerk of the Supreme Court within ten days thereafter an affidavit showing the date at which such study commenced and that a similar affidavit be filed whenever a change is made from one office to another in the prosecution of such study. In presenting the report of the Committee on Legal Education in 1917, Attorney General H. M. Havner commended the superior showing made by the students of law schools over that made by students from law offices.³⁵

In 1921 the Committee on Legal Education presented an elaborate report recommending several advanced steps in legal education requirements and the Association adopted the following recommendations: (1) that the course of study pursued in a law school be required to be in some law school in the United States approved by the Iowa Supreme Court; (2) that the course of study must have been pursued for at least three full years in a day law school, or for at least four years in a law school where the major part of the work is done at night. The Association rejected the committee's proposal to limit eligibility for admission to the bar to law school graduates and after January 1, 1927, to such law school graduates as should have had the equivalent of two years study in a college.³⁶

³⁵ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 152-162, Vol. XXII (1916), p. 167, Vol. XXIII (1917), p. 72.

³⁶ *Proceedings of the Iowa State Bar Association*, Vol. XXVII (1921), pp. 158-178.

The matter of advanced standards again came up for consideration and discussion at the meeting of the Association in 1923. Upon the recommendation of the Committee on Legal Education and Admission to the Bar, the following resolution was adopted:

Resolved, the Iowa State Bar Association endorses the resolution of the American Bar Association adopted September 1, 1921, that

"Every candidate for admission to the Bar should give evidence of graduation from a law school complying with the following standards:

(a) It shall require as a condition of admission at least two years of study in a college.

(b) It shall require its students to pursue a course of three years duration if they devote substantially all of their working time to their studies and a longer course, equivalent to the number of working hours, if they devote only a part of their working time to their studies.

(c) It shall provide an adequate library available for the use of the students.

(d) It shall have among its teachers a sufficient number giving their entire time to the school to insure actual personal acquaintance and influence with the whole student body."³⁷

These qualifications for admission to the bar were added by the Iowa Code Commission as section 14 to Code Commissioners' Bill No. 246 then pending before the special session of the Fortieth General Assembly of Iowa. The bill passed the House Committee on Judiciary with the section intact, but in the House an amendment prevailed to strike out section 14 and to insert in lieu thereof the present law. In 1925 the Association indorsed a suggestion to refer to its Law Reform Committee the idea of a proposed law "putting the power exclusively in the Supreme Court of deciding who should be admitted to the practice, rather than having the legislature enact or refuse to enact the

³⁷ *Proceedings of the Iowa State Bar Association*, Vol. XXIX (1923), pp. 95-114.

legislation that has been sought for by this Association and by the American Bar Association.”³⁸

CODE OF PROFESSIONAL ETHICS

The Iowa Bar Association adopted a Code of Professional Ethics in 1909. This action grew out of the suggestion of Judge H. M. Towner who presented an able paper before the Association in 1908, entitled, “A Proposed Code of Professional Ethics”. Judge Towner set out in his paper the preamble which he had suggested to the committee of the American Bar Association for adoption with their proposed Code of Professional Ethics. This preamble was thereafter adopted by the American Bar Association and substantially adopted by the Iowa State Bar Association. In this preamble Judge Towner declared: “The lawyer is an officer of the state. The practice of law is a function of government. The practitioner owes duties to the state, as well as to his clients. The observance of high moral principles in the practice of the profession is essential to the full performance of the lawyer’s obligations both to his country and to his client. Neither the furtherance of private interests, nor devotion to the success of clients, will justify infractions of those principles of right which constitute the lawyer’s primary duty.” The Association provided for the appointment of a Committee on Legal Ethics to coöperate with the committee of the American Bar Association, and with those of other States, and to prepare a Code of Professional Ethics for the State of Iowa for submission at the next annual meeting of the Association.³⁹

³⁸ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 145-147, Vol. XXXI (1925), pp. 124, 125.

³⁹ *Proceedings of the Iowa State Bar Association*, Vol. XIV (1908), pp. 74-82, Vol. XV (1909), pp. 55-69.

In the annual convention of 1909 the committee recommended to the Iowa Bar Association the adoption of the Canons of Professional Ethics adopted by the American Bar Association at its annual meeting in August, 1908. After discussion, canon 13 relating to contingent fees was adopted, while all the other canons were adopted without discussion. Upon consideration, the recommendation for an amendment to the law so as to include the proposed form of the oath of admission was also adopted.⁴⁰

The Canons of Professional Ethics adopted by the American and Iowa State Bar Associations embrace almost the entire range of a lawyer's duties. The general substance of the preamble written by Judge Towner has been set out in the quotation preceding. The preamble states in the beginning:

The Iowa State Bar Association, in conformity with the action of the American Bar Association, and with the independent action of other states, deems it expedient to formulate into canons the more important ethical principles which should govern the practice of the profession of law in the state of Iowa.

It concludes with the statement that "No code, or set of rules, can be framed which will particularize all the duties of lawyers in the varying phases of litigation, or in all of the relations of professional life."⁴¹ An abstract of this code of ethics is set out in the following paragraphs:

(1) The general duty of the lawyer to the courts requires him to maintain toward them a respectful attitude, not for the sake of the temporary incumbents of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of

⁴⁰ *Proceedings of the Iowa State Bar Association*, Vol XV (1909), pp. 55-69, 71-80, 81, 82.

⁴¹ *Proceedings of the Iowa State Bar Association*, Vol. XIV (1908), pp. 77, 78, Vol. XV (1909), pp. 56-58.

the Bar against unjust criticism and clamor. In the selection of judges, it is the duty of the Bar to endeavor to prevent political considerations from outweighing judicial fitness. Attempts to exert personal influence on the court by marked attention and unusual hospitality on the part of a lawyer to a judge, private communication or argument with the judge as to the merits of a pending cause, or any other device or attempt to gain from a judge special consideration or favor, should all be avoided. All attempts to curry favor with jurors by fawning, flattery, or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel as to the comfort or convenience of jurors should be made to the court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause. A lawyer owes to his clients, to the courts, and to the public the duty of punctuality in attendance in court and coöperation in the expedition of the trial and disposition of causes.⁴²

(2) When assigned as counsel for an indigent prisoner, a lawyer ought not to ask to be excused for any trivial reason, and should exert his best efforts in such prisoner's behalf. It is the right of the lawyer to undertake the defense of a person accused of a crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. In the trial of a case the lawyer is bound by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law. The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of evidence capable of establishing the innocence of the accused is highly reprehensible. In supporting a client's cause, a lawyer should use his best efforts but only within the law. It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause. The lawyer owes "entire devotion to the interest of his client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning

⁴² Code of Professional Ethics, Canons 1, 2, 3, 21, 23, in *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 58, 59, 64, 65.

and ability," to the end that nothing be taken or withheld from him, save by the rules of law, legally applied. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, but the great trust of the lawyer is to be performed within and not without the bounds of the law. A lawyer should use his best efforts to restrain his clients from improprieties, particularly with reference to their conduct towards courts, judicial officers, jurors, witnesses, and suitors. If his client persists in such wrong-doing the lawyer should terminate their relation.⁴³

(3) At the time of retainer, the lawyer should disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy. It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Duty forbids a lawyer from accepting subsequent retainers or employment from others in matters adversely affecting any interest of his client with respect to which confidence has been reposed. Before advising upon the merits of a client's cause, a lawyer should endeavor to obtain full knowledge of it and he is then bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or end the litigation. A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel.⁴⁴

(4) In dealing with trust property, the lawyer should report promptly his receipt of the money or other trust property of his client coming into his possession, and should not commingle such trust property with his own or use it except with the client's knowledge and consent. In fixing fees, lawyers should avoid charges which overestimate their advice and services as well as those which undervalue them. A client's ability to pay can not justify a charge in excess of the value of the service, though his

⁴³ Code of Professional Ethics, Canons 4, 5, 15, 16, in *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 59, 62, 63.

⁴⁴ Code of Professional Ethics, Canons 6, 8, 9, in *Proceedings of the Iowa State Bar Association*, Vol. XV, (1909), pp. 59, 60, 61.

poverty may require a less charge, or even none at all. In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade. Contingent fees, when sanctioned by law, should be under the supervision of the court, in order that the clients may be protected from unjust charges. Controversies concerning his compensation are to be avoided by the lawyer so far as compatible with his self-respect and with his right to receive reasonable recompense for his services; and lawsuits with clients should be resorted to only to prevent injustice, imposition, or fraud.⁴⁵

(5) A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in court in behalf of his client. Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. It is unprofessional to make an anonymous statement. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any *ex parte* statement. The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well merited reputation for professional capacity and fidelity to trust. This can not be forced, but must be the outcome of character and conduct. Solicitation of business by circulars or advertisements, by personal communications or interviews not warranted by personal relations, by indirection or touters of any kind such as allied real estate firms or trust companies advertising to secure the drawing of deeds or wills or offering retainers in exchange for executorships or trusteeships to be influenced by the lawyer, and indirect advertise-

⁴⁵ Code of Professional Ethics, Canons 11, 12, 13, 14, in *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 61, 62.

ment for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged, or concerning the manner of their conduct, and all other self-laudation are all unprofessional.⁴⁶

(6) A lawyer should decline association as colleague if his participation in the case is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case. When lawyers associated in a cause can not agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination, and his decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to coöperate effectively, in which event he should ask the client to relieve him. Efforts, direct or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the bar; but nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should be carefully avoided. As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposite lawyer when no harm would result from a trial at a different time, agreeing to an extension of time for signing a bill of exceptions, cross interrogatories, and the like, the lawyer must be allowed to judge. A lawyer should not ignore known customs of practice of the bar or of a particular court, even when the law permits, without giving timely notice to the opposing counsel. He should not take technical advantage of opposite counsel, and in case of an agreement fairly made with him but not reduced to writing as required by rules of

⁴⁶ Code of Professional Ethics, Canons 18, 19, 20, 27, in *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 63, 64, 65, 66.

court, it is dishonorable to avoid performance even though the evasion may be legal.⁴⁷

(7) The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting. It is disreputable in a lawyer to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital attaches, or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant or others, to seek his professional services. The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. His appearance in court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination. Every lawyer upon his own responsibility must decide what business he will accept as counsel, what causes he will bring into court for plaintiffs, what causes he will contest in court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He has the right to decline employment.⁴⁸

(8) The conduct of the lawyer before the court and with other lawyers should be characterized by candor and fairness. A lawyer openly, and in his true character may render professional services before legislative or other bodies, regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his appearance before the courts. Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession,

⁴⁷ Code of Professional Ethics, Canons 7, 17, 24, 25, in *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 60, 63, 65.

⁴⁸ Code of Professional Ethics, Canons 10, 28, 30, 31, in *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 61, 66, 67.

and should accept without hesitation employment against a member of the bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. The lawyer should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice. No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. Above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.⁴⁹

The proposed oath of admission reads as follows:

I DO SOLEMNLY SWEAR, OR AFFIRM,

I will support the Constitution of the United States and the Constitution of the State of Iowa;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge or approval;

⁴⁹ Code of Professional Ethics, Canons 22, 26, 29, 32, in *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 32, 33, 64, 65, 67.

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice.⁵⁰

The Committee on Legal Education recommended that the law schools of the State give special instruction in this code of ethics and that the Board of Law Examiners consider the advisability of including it among the subjects of examination. This recommendation was adopted by the Association.⁵¹

DISBARMENT OF ATTORNEYS

The disbarment of attorneys for cause is a matter closely related to the professional interest in legal ethics. Proposed recommendations regarding the subject have often come before the Association. In 1902, the Iowa Bar Association endorsed two proposals: (1) that the Code section requiring notice of disbarment proceedings to be personally served on an accused attorney be amended so as to permit the court to order service of notice by publication in cases wherein an attorney has departed from its jurisdiction and upon showing that personal service can not be had either within or without the State; and (2) that the law be amend-

⁵⁰ Proposed Oath of Admission in the *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 68, 69. See also *Code of 1924*, Secs. 10917, 10920.

The provisions of Code Section 10920 "represent the lawyer's conception of his duty to his client, the court and the public. They do not proceed upon the theory that the character of either the lawyer or his calling, demand especial safeguards for the public protection, but because he, controlling legislation upon these matters, has manifested a higher conception of his position in the business world than many of his brothers in other lines, and of his duty to his client and the public."—Quoted from speech by T. S. Stevens in the *Proceedings of the Iowa State Bar Association*, Vol. XVI (1910), pp. 105, 106.

⁵¹ *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), p. 83.

ed so as to provide for the payment by the county of attorney fees in all cases wherein the attorney is appointed by the court to prosecute in disbarment proceedings — such compensation to be fixed by the court, not to exceed twenty dollars per day, and to be certified to the board of supervisors as in criminal cases.⁵²

In 1912 the Association continued for consideration at its next annual meeting a proposal that it recommend that the procedure for the disbarment of attorneys should be placed by legislation under the statutes enacted for removal of public officers. Upon the recommendation of the Committee on Grievances, the Association in 1913 created a standing committee to be known as the Committee on Disbarment of Lawyers, such committee to be appointed annually by the joint action of the retiring and incoming presidents of the Association. This committee was charged with the duty of investigating all charges of misconduct of members of the Bar and instituting disbarment proceedings if in their judgment they are required. It was provided that the necessary and actual expenses of this committee, incurred in the performance of its duty, should be paid from the treasury of the Association. It was further recommended that the Attorney General be authorized by law to institute, appear in, and prosecute disbarment proceedings.⁵³

Upon the recommendation of the Committee on Disbarment of Attorneys, further constructive action was taken in 1914, and rules XI, XV, and XXV were adopted as parts of the By-Laws of the Association. These provided for a disbarment investigative procedure under the charge of the

⁵² *Proceedings of the Iowa State Bar Association*, Vol. VIII (1902), pp. 87, 88; *Code of 1924*, Sec. 10933.

⁵³ *Proceedings of the Iowa State Bar Association*, Vol. XVIII (1912), pp. 196, 197, 198, Vol. XIX (1913), pp. 48-53.

Grievance Committee. It was therein provided that this committee should report its findings to the Association, which might suspend or expel the accused from membership, or order the committee to institute proceedings for disbarment as provided by law, whether or not the accused be a member of the Association, and that the Association shall pay all costs and expenses incurred.⁵⁴

Forward looking members of the Bar have sought a better mode of instituting and conducting disbarment proceedings. The method in use has not functioned well. It leaves the matter of disbarment to local and often prejudiced action. Either a judge on his own motion must take the drastic step of ordering proceedings against a lawyer practicing in his court, or not infrequently some one embittered by a sore experience with, or harboring partisan rancor toward the accused, is allowed to take the lead. If a local lawyer starts proceedings, the defendant sets up a hue and cry that professional jealousy prompts the action. For these various reasons, disbarment proceedings under the present law are frequently not invoked even when necessary or desirable. Mr. A. Hollingsworth, reporting for the Committee on Professional Ethics before the Association in 1923, suggested that a board be appointed by the Supreme Court to investigate each case and to prefer charges in a capacity similar to that of a grand jury, and that the proceedings be then placed in the hands of the Attorney General to be tried before the Supreme Court or before some judge other than the local judge. The proposition was referred to the Legislative Committee.⁵⁵

⁵⁴ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 168, 169, 170, 211, 212, 215, 216; *Code of 1924*, Secs. 10929-10937.

⁵⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXIX (1923), pp. 200-206.

Professor H. C. Horack, of the University of Iowa College of Law, has written an interesting presentation of this problem and its proposed solution in his

At its meeting in 1924, the Bar Association unanimously adopted the recommendation of the Committee on Professional Ethics that the matter of disbarment proceedings should be under the supervision of the Supreme Court of Iowa and that it be vested with jurisdiction in the first instance to try and determine all petitions or complaints in disbarment.⁵⁶

CONTINGENT FEES REGULATION

In harmony with the annual address of its president, James W. Bollinger, and with Canon 13 of the Code of Legal Ethics adopted at that session, the Association in 1909 adopted the following recommendation proposed by the Committee on Law Reform: "The law should provide that contracts for contingent fees to attorneys, while permissible and lawful, should be subject to the approval of the court trying the case, or if there be a settlement out of court, be subject to review by any court having jurisdiction of the parties. The court in either case to have power to fix the fee notwithstanding the agreement of the parties."⁵⁷

At the session of 1913 the Committee on Law Reform proposed the following recommendation: "In an action for damages based upon personal injuries, when a contingent fee is contracted for, such contract shall be presented to the court and receive the approval of the court before the action is commenced, and without such approval such contract

article, "Character Qualification and Disbarment Proceedings", published in the *Iowa Law Bulletin*, Vol. VIII, No. 2. This article was republished in the *Journal of the American Judicature Society*, Vol. VI, No. 6, for April, 1923, pp. 168-172. The Michigan legislature adopted the plan proposed by Professor Horack shortly after the publication of his article.— See the *Journal of the American Judicature Society*, Vol. VII, p. 27.

⁵⁶ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 189-196.

⁵⁷ *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 40, 62, 133, 134.

shall be void." C. S. Macomber objected to this proposal, saying: "I do not believe the bar of the State of Iowa has degenerated to that extent that they cannot be trusted to make contracts with their clients. When it goes out abroad that the bar themselves have such an opinion of themselves that they do not think they can make a contract with their clients unless it is approved by the court, if this convention passes that, I will move from the State of Iowa." His motion to table the motion to adopt the proposal was carried.⁵⁸

The contingent fee question arose again before the Association the next year but no time for discussion or action upon it was afforded at this session and with several other proposals it was passed over without consideration.⁵⁹

PROPOSED INCORPORATION OF THE BAR AND REGULATION OVER ATTORNEYS

The substantial growth of the Association furnishes problems of its own organization and functions. Thus in 1921 it was proposed to secure a statutory incorporation of the Association giving it regulatory power over the conduct of all practicing attorneys of the State. Upon the consideration of the experience of other States in this regard, a motion unanimously prevailed that the Association take no further steps at that time as to the matter of incorporating. At the 1924 session of the Association, however, a motion was adopted for the appointment of a committee to investigate the question of the incorporation of the Association by statute, and to report at the next session with recommendations. At the 1925 session the special committee submitted its report on "State Bar Organization". This

⁵⁸ *Proceedings of the Iowa State Bar Association*, Vol. XIX (1913), pp. 220, 227, 228.

⁵⁹ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 186, 202.

report is a thorough and scholarly one, entering into the history and development of similar plans of organization in several other States wherein such plans have functioned. After a careful review of legislation in other States the committee summarized its recommendations on this much mooted question as follows: "That this Association go on record favoring the legislation proposed for the establishment of a self-governing bar, and that the matter be left to the officers of the Association and the Executive Committee to be elected this morning, with instructions to prepare a draft of a bill to be submitted to the next session of this association with a view to introduction in the next session of the legislature." This report and the recommendation of the special committee was adopted by the Association.⁶⁰

V

LAW REFORM PROPOSALS AND RECOMMENDATIONS

The proposal of law reforms has grown to be an important feature of the program of the annual sessions of the Iowa State Bar Association. The function of the Committee on Law Reform is the presentation before the Association of proposals for reform. These proposals stimulate free discussion among the members present and thus encourage an impartial consideration of the merits of the proposed measures. In many cases these proposals are also the recommendations of the Committee on Law Reform. Very frequently, however, the members of the committee are divided in their individual attitudes on specific proposals and often the committee submits questions for the consideration of the Association without any indorse-

⁶⁰ *Proceedings of the Iowa State Bar Association*, Vol. XXVI (1920), p. 172, Vol. XXVII (1921), pp. 98-103, Vol. XXX (1924), pp. 201, 202, Vol. XXXI (1925), pp. 167-178.

ment of such proposals by the committee. The interest in the discussions often results in prolonged debate.⁶¹

The functioning of the committees, however, is not limited to the presentation of proposals or recommendations to the Association. The Law Reform Committee is expected to present the recommendations adopted by the Association to the judiciary committees of the legislature. And occasionally special legislative committees are appointed by the president of the Bar Association for the specific purpose of presenting its recommendations to the legislature. Usually there are several members of the Association who are also members of the legislature, and the recommendations of the Association doubtless have considerable weight with the judiciary committee of both houses. It is, as a matter of course, to be expected that the legislature in passing measures will lag considerably behind the Bar Association's recommendations. It was humorously said by C. G. Saunders: "My observation has been that it takes about six years to disinfect a recommendation of the State Bar Association before the legislature takes it up and passes it." Undoubtedly, too, it requires considerable initiative and the pressure of persistent interest on the part of committees and others to forcefully present the recommendations of the Bar Association to the legislature. However, the recommendations of the Association and its indorsements of proposed measures are undoubtedly matters of considerable influence with many members of the legislature in their consideration of particular measures. In 1925, the Association adopted a more permanent plan for the Committee on Law Reform. It is to be composed of six members, two to be appointed each year for a term of three years each after the first two

⁶¹ *Proceedings of the Iowa State Bar Association*, Vol. X (1904), pp. 60, 98, 129.

years. Two members of this committee are to be selected from the faculties of the law schools of the State. Provision was also made in the Constitution and By-Laws of the Association for a Committee on Legislation whereby two members out of the six composing it shall be appointed each year. This committee has special duties as to legislative matters.⁶²

UNIFORM STATE LAWS

The Iowa Bar Association has coöperated in the promotion of uniform State laws. The National Conference of Commissioners on Uniform State Laws meets annually just preceding the meeting of the American Bar Association. It is composed of commissioners from fifty-three jurisdictions comprising the several States and Territories of the United States. In thirty-four of these Commonwealths, including Iowa, commissioners are appointed by the Governor under express legislative authority. This Conference of Commissioners has met in sessions for over thirty years and has drafted or approved more than thirty acts. Of the acts approved by this Conference, Iowa has adopted the following acts: the Acknowledgment Act, adopted in the *Code of 1897*; the Negotiable Instruments Act, adopted in 1902; the Warehouse Receipts Act, adopted in 1907; the Bills of Lading Act, adopted in 1911; the Sales Act, adopted in 1919; and the Limited Partnership Act, adopted in 1924.⁶³

⁶² *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), p. 118, Vol. XXIII (1917), p. 69, Vol. XXV (1919), p. 137, Vol. XXVIII (1922), p. 119, Vol. XXX (1924), pp. 124, 144, Vol. XXXI (1925), pp. 94, 95, 163, 164, 212, 219.

⁶³ *Code of 1897*, Sec. 2946; *Laws of Iowa*, 1902, Ch. 130, 1907, Ch. 160, 1911, Ch. 155, 1919, Ch. 396; *Code of 1924*, Secs. 8245-8299, 9461-9660, 9661-9718, 9806-9863, 9930-10007, 10090; *Proceedings of the Iowa State Bar Association*, Vol. XXVIII (1922), pp. 78, 79, Vol. XXIX (1923), p. 208, Vol. XXXI (1925), pp. 159, 160.

A Committee on Uniform Laws was created in the Iowa Bar Association in 1907. An annual report of this committee is a regular feature of the program of the Association. These reports disclose the progress of uniform legislation and proposed laws in the several States. In 1913 the Association adopted the motion of Senator Saunders that it be made the duty of the president-elect of the Association to confer with the Governor of Iowa from time to time, in order that Iowa might thereafter be represented in the annual meetings of the National Conference on Uniform State Laws. The Thirty-ninth General Assembly provided by statute for the appointment by the Governor of three Commissioners on Uniform State Laws from the Bar of the State of Iowa to serve for terms of four years each without compensation for services but with actual expenses allowed.⁶⁴

The Commissioners must meet at the State capitol at least once in two years, and must organize by the election of a chairman and a secretary from among their number. It is the duty of the Commissioners to attend the meeting of the National Conference of Commissioners on Uniform State Laws, or to arrange for the attendance of at least one of their number thereat. It is also the duty of the Commissioners to do all in their power to promote uniformity in State laws and upon all subjects in which uniformity may be deemed desirable and practicable, and to submit printed reports of their doings and their recommendations to the legislature. The expenses of the National Conference have been borne mostly by donations from the several State Bar

⁶⁴ *Proceedings of the Iowa State Bar Association*, Vol. XIII (1907), p. 33, Vol. XIX (1913), pp. 53-56, Vol. XX (1914), pp. 11, 12, Vol. XXI (1915), pp. 170, 171, 191, Vol. XXII (1916), p. 67, Vol. XXIII (1917), p. 157, Vol. XXIV (1918), p. 203, Vol. XXV (1919), p. 133, Vol. XXIX (1923), pp. 208-210, Vol. XXX (1924), pp. 263-266; *Laws of Iowa*, 1921, Ch. 201; *Code of 1924*, Secs. 65, 66.

Associations, except that a few States have made legislative appropriations. The Iowa State Bar Association has made appropriations from its treasury for the use of the National Conference as follows: \$100 in 1913; \$75 each year in 1916, 1917, 1918; \$100 each year in 1921 and 1922; \$250 in 1923; and \$300 each year in 1924 and 1925.⁶⁵

Thus there has been a coöperative movement in operation for the past thirty years, involving the progressive efforts of the American Bar Association and its Committee on Uniform Laws, the State Bar Associations and their several committees, and the National Conference on Uniform State Laws. Speaking of the importance of this Conference, General Nathan W. MacChesney, in an address entitled, "Uniform State Laws — Succor for the Public Salvation for the Bar", delivered before the Iowa State Bar Association at its session in June, 1922, said:

It is the most efficient legislative drafting body in the land to lay hold of the many new undertakings of national importance constantly facing the legislators of the respective States. The work is the most constructive undertaken in its field in the United States since the adoption of the Federal Constitution, and its significance will be realized when attention is directed to the fact that since the debates resulting in the Constitution of the United States it is the only body of official representatives of the several States meeting in legislative assembly to discuss legal questions from a national point of view with particular reference to the needs of the respective States from which they come They form the best legislative body of which I know, the equal of which I do not believe exists in this country and their work may be justly compared to that of the Public Commissioners abroad to whose

⁶⁵ *Laws of Iowa*, 1921, Ch. 201, Secs. 3, 4; *Code of 1924*, Secs. 67, 68; *Proceedings of the Iowa State Bar Association*, Vol. XIX (1913), p. 170, Vol. XXII (1916), pp. 165, 166, Vol. XXIII (1917), pp. 157, 158, Vol. XXIV (1918), p. 204, Vol. XXVII (1921), p. 195, Vol. XXVIII (1922), p. 160, Vol. XXIX (1923), p. 210, Vol. XXX (1924), pp. 218, 219, Vol. XXXI (1925), pp. 160, 161.

work so much praise has been justly given, but the best work of which has been equalled and in some instances surpassed by our National Conference of Commissioners on Uniform State Laws.⁶⁶

The Iowa Bar Association in 1920 indorsed the Code Commissioners' Bill No. 74, thus recommending for enactment into Iowa law the uniform limited partnership law, the uniform conditional sales act, and the uniform fraudulent sales act. The Fortieth General Assembly at its extra session enacted the limited partnership law. In its 1924 session the Iowa Bar Association unanimously adopted the motion of J. A. Devitt for the appointment of a Committee on Uniform Procedure to coöperate with a like committee of the American Bar Association in securing enactment of pending congressional legislation authorizing the Supreme Court of the United States to draft uniform procedure for the Federal courts of the United States.⁶⁷

CODE REVISION

Naturally the lawyers of the State have an interest in the revision of the Iowa Code. The matter has frequently recurred at the annual sessions. In 1916 the Association adopted two resolutions, as follows: (1) that the statutes of Iowa be recompiled and reannotated to date, eliminating all obsolete laws, all to be embraced in one volume; (2) that immediately upon the close of each legislative session, the Code Editor and the Supreme Court Reporter publish in pamphlet form all laws passed at the session, without annotations, but indexed, to be sold at not more than cost. Again in 1917, the Association recommended an immediate recodification of our statutes. At its session in 1919, the

⁶⁶ *Proceedings of the Iowa State Bar Association*, Vol. XXVIII (1922), pp. 79, 81.

⁶⁷ *Code of 1924*, Sees. 9806-9863; *Proceedings of the Iowa State Bar Association*, Vol. XXVI (1920), pp. 89, 133-135, Vol. XXX (1924), p. 202.

three Code Commissioners of Iowa were invited to address the Association. Accordingly James H. Trewin, of Cedar Rapids, J. C. Mabry, of Albia, and U. G. Whitney, of Sioux City, each appeared upon the program in interesting discussions of the work of Code revision. The Association by a rising vote in 1921 adopted the resolution offered for an extra session of the Thirty-ninth General Assembly for the purpose of completing the work of Code revision. In 1922, the Association unanimously adopted the proposition that the next legislature of Iowa should proceed as expeditiously as possible with the work of Code revision.⁶⁸

In fact, the Iowa Bar has favored something more substantial than the long-deferred revisions of the Code at uncertain periods. It has declared itself in favor of a legislative reference bureau of the State Library, already semi-officially recognized, and has recommended its full establishment and greater financial support by the legislature. The Association in 1923 discussed the question whether the legislature should provide for the appointment of a permanent State officer to revise and publish a new and complete revision of the statutes after every session of the legislature, and upon consideration referred the whole matter to the legislative committee of the Association for determination.⁶⁹

The laws of the extra session of the Fortieth General Assembly, provided that the Reporter of the Supreme Court shall be the editor of the Code and have the following duties: to recommend revisions of the law to the legislature; to prepare manuscript copies of the laws properly ar-

⁶⁸ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 214, 215, 218, 219, 220, Vol. XXIII (1917), pp. 51, 53, Vol. XXV (1919), pp. 23, 24, Vol. XXVII (1921), pp. 193-195, Vol. XXVIII (1922), pp. 90, 119.

⁶⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 215, 220, Vol. XXIX (1923), pp. 120, 145-148.

ranged and indexed; to edit and compile the Code for publication after each even-numbered session of the General Assembly; and to edit and prepare a series of annotations of the statutes of Iowa as prescribed by and at times as stated in the statute. Thus the legislative committee of the Bar Association might well feel that it was "a matter of congratulation that the work of code revision is nearing completion and that the legislature has given careful consideration to the propositions of law reform that have received the endorsement of this Association to the extent indicated herein."⁷⁰

At the 1924 session of the Bar Association Senator Trewin advocated a continuous revision of the Code to avoid future congestion and suggested that the "Bar Association should appoint a strong committee on code revision whose assistance the code editor will no doubt welcome." A motion by Emmet Tinley that the president appoint such a committee as recommended by Mr. Trewin was unanimously adopted.⁷¹

PROBATE ADMINISTRATION

The intimate experience of the Bar with the administration of probate business brings to their constant attention the operation of the probate administration and suggests to them improvements in the laws. Hence proposals for changes in the probate laws are often made to the Association, and frequently such proposals are recommended by it. However, the proposal that a statute be enacted creating a probate court in each county with jurisdiction in all probate matters, thus taking the probate division out of the

⁷⁰ *Laws of Iowa*, 1924 (Extra Session), Ch. 3, Sec. 21; *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 147-151.

⁷¹ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 215, 216, 262.

district court entirely and creating a separate court in each county to administer it, was not adopted.⁷²

A resolution that the probate business, except jury trials and actions involving the construction of wills, should be placed in charge of the clerk of the court, who should be a qualified lawyer, clothed with full jurisdiction, was vigorously opposed, but an amended proposal was adopted by the Association recommending "some legislation that will better facilitate and expedite the transaction of the probate business of the several counties of the State, and that will provide for a more thorough examination of reports of guardians and administrators." C. P. Holmes, of Des Moines, suggested to the Association that this matter could be remedied by the appointment of a referee in probate. The Supreme Court of Iowa has since decided that, under the statute, such a referee may be appointed by the court in the form of a standing order of appointment for all probate reports, and that the clerk of the district court may be appointed as such referee and personally receive compensation therefor.⁷³

The proposal that the court in its discretion may refuse to appoint a non-resident of the State as executor, and in case he does appoint a non-resident as executor, he may require him to give bonds regardless of any provision of the will to the contrary, aroused vigorous discussion, but it was adopted as a recommendation of the Association in 1906, and was readopted in 1907 and again in 1908. The proposal to amend the statutes so as to provide that an action to set aside the probate of a will must be brought within two years

⁷² *Proceedings of the Iowa State Bar Association*, Vol. XXVII (1921), pp. 99, 125, 126.

⁷³ *Proceedings of the Iowa State Bar Association*, Vol. II (1896), pp. 105, 106, 129, 130, 131, 132; *Burlingame v. Hardin County*, 180 Iowa 920; *Code of 1897*, Sec. 3393; *Code of 1924*, Sec. 12041.

was withdrawn, a recent statute having been enacted accomplishing the purpose. The proposal for probate of wills upon notice and petition as in ordinary proceedings, objections if any to be by answer, was rejected. The need for wider authority in prescribing notice for the probate of a will than that providing that the court in its discretion may prescribe different notices was recognized by recommending an amendment that the court or judge be so authorized. In accordance with this recommendation, the law now authorizes the court or judge in vacation, or clerk, in his discretion, to prescribe a different notice of hearing of probate of a will than the general statutory notice.⁷⁴

Adverse action was taken as to Code Commissioners' Bill No. 236, relating to estates of decedents. This bill provided that the administrator should bring an equitable action within sixty days after his appointment for the express purpose of determining facts as follows: (1) the correct description of all the real estate in which the decedent had any interest at the time of his decease; and (2) the names of all persons interested or claiming an interest therein, and the nature and extent thereof. The discussion developed positive opposition to this bill, and the motion to recommend it was decisively rejected. The Association at three annual sessions indorsed the recommendation to the General Assembly that a statute be enacted providing that a final decree of distribution definitely establishing the rights of all parties shall be entered in all probate proceedings. The purpose of this proposal was accomplished by the enactment of a law providing that the executor or administrator be charged with the duty of supplying the de-

⁷⁴ *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), pp. 79, 88-92, Vol. XIII (1907), pp. 69, 74, Vol. XIV (1908), p. 105, Vol. XIX (1913), pp. 220, 222-226, Vol. XXII (1916), pp. 215, 220; *Code of 1897*, Sec. 3284; *Laws of Iowa*, 1913, Ch. 282, 1919, Ch. 88; *Code of 1924*, Sec. 11865.

sired record by a report filed within thirty days after his appointment and by the setting forth of a complete record of the specified particulars in his final report.⁷⁵

In 1916 the Bar Association recommended to the General Assembly that Section 3379 of the *Supplement to the Code* be amended in regard to regulation of an action in behalf of a surviving spouse's claim to more than one-half of the estate. The Thirty-seventh General Assembly responded by the enactment of an amendment to the law relating to the disposition of the property of an intestate who dies leaving a surviving spouse and no issue, and providing for the appraisal of the property of the estate, a trial on the objections if any, and a final order of the court in the matter of such estate and its appraisal to have the same force and effect as a decree in equity.⁷⁶

The Association referred back to the Committee on Law Reform a proposal for legislation stopping the allowance by administrators or executors of the claims of children for services or money rendered or loaned to the deceased parent until proper notice be given to the other beneficiaries of the estate.⁷⁷

A proposal was made to strike the last clause from the following Code provision relating to the sale of real estate of a decedent: "Before any order to that effect can be made, all persons interested in such real estate shall be served with notice in the same manner as prescribed for the commencement of civil actions, unless a different one

⁷⁵ *Proceedings of the Iowa State Bar Association*, Vol. XIX (1913), pp. 221, 228, 229, Vol. XX (1914), pp. 186, 202, Vol. XXVI (1920), pp. 89, 122-133, Vol. XXVII (1921), pp. 99, 125, Vol. XXIX (1923), p. 116, Vol. XXX (1924), pp. 148, 149; *Code of 1924*, Secs. 11912, 12071.

⁷⁶ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 216, 220-222; *Laws of Iowa, 1917*, Ch. 250; *Code of 1924*, Secs. 12017-12023.

⁷⁷ *Proceedings of the Iowa State Bar Association*, Vol. XXIV (1918), pp. 90, 100, 101.

is prescribed by the court or judge." The Association unanimously rejected this proposal.⁷⁸

The Association recommended the enactment by Congress of laws regulating the assessment of property of estates liable to the Federal inheritance tax within a definite time and providing for appeal from the assessing body to some proper court.⁷⁹

The Association at three sessions indorsed the recommendation that the expense of fees of surety bonds of trustees, guardians, administrators, and executors may, in the discretion of the court, be allowed as part of the expenses of the estate or guardianship. The law conferring upon trust companies and State and savings banks power to act as trustee, guardian, executor, receiver, administrator, and in other similar capacities should be repealed in the judgment of the State Bar Association. A bill to this effect was presented to the legislature but was not enacted.⁸⁰

A proposal that the statute regarding the giving of bonds by guardians be so amended as to make the rule the same as in cases of sales of real estate by administrators was rejected. The Association tabled a proposal that persons related within the fourth degree should be disqualified to act in the capacity of guardians of the property of minors.⁸¹

In 1902 the Association recommended that Code Section

⁷⁸ *Proceedings of the Iowa State Bar Association*, Vol. XXVIII (1922), pp. 89, 99; *Code of 1897*, Sec. 3324; *Code of 1924*, Secs. 11933-11935.

⁷⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXVII (1921), p. 131.

⁸⁰ *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), pp. 79, 112, Vol. XIII (1907), pp. 69, 74, Vol. XIV (1908), p. 105. Vol. XXVIII (1922), pp. 89, 102, 103, Vol. XXIX (1923), p. 117, Vol. XXX (1924), p. 150 (8).

⁸¹ *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 108, 219, 220, Vol. XIX (1913), pp. 220, 226, 227.

3220 be so amended that the appointment of a temporary guardian may be made on such notice as may be prescribed by the court or judge, and in case of emergency that such appointment may be made without notice. In 1922 the Association recommended such amendment of the statute as to provide for the appointment of a temporary guardian by a judge in vacation on such notice of hearing upon the application as fixed by the judge, but it rejected the proposal that such temporary guardian may have power under the order of the court to transfer real and personal property of the ward. The recommended portion of the proposition was in effect enacted into law.⁸²

EQUITY PROCEDURE

Various proposals have come before the Bar Association relating to changes in equity procedure. After consideration of the matter, the Association recommended that equitable actions should be triable at the first term, subject only to the right of continuance for proper cause.⁸³ It rejected the proposal that when a party demurs to a pleading thus raising an issue of law for the court he should either stand upon the demurrer and appeal or waive the question submitted by the demurrer. However, approval was given to the proposal that the statute be amended so as to provide that in all cases an equitable demurrer must be specific.⁸⁴ The Association postponed consideration of a proposal that the rules of pleading be further simpli-

⁸² *Proceedings of the Iowa State Bar Association*, Vol. VIII (1902), pp. 87, 88, Vol. XXVIII (1922), pp. 89, 94-99; *Code of 1897*, Sec. 3220; *Code of 1924*, Secs. 12619-12621.

⁸³ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), p. 202, Vol. XXIII (1917), pp. 51, 55, 56.

⁸⁴ *Proceedings of the Iowa State Bar Association*, Vol. XVII (1911), pp. 124, 189-193, Vol. XIX (1913), pp. 221, 230, 231, Vol. XXVII (1921), pp. 99, 116-123.

fied by the adoption of auxiliary methods for ascertaining the specific issues to be contested, such as by a preliminary judicial examination of either or each party by the other party to the suit.⁸⁵

The Association recommended a rule modifying the practice on appeals to the United States Circuit Court of Appeals in equity cases with respect to the abstract of the evidence offered and introduced in the trial below and all objections, rulings, and offers of testimony therein; and also recommended a modification of the rules of practice in this circuit providing for a demurrer to an answer in equity causes. It recommended the abolition of the general equitable demurrer in Iowa and the substitution therefor of the motion attacking pleadings in equity, as provided by the rules of the Federal court. It twice indorsed Code Commissioners' Bill No. 229, embodying principles of equitable reform such as the substitution of the motion for the general demurrer in attacking pleadings in equity cases but leaving the law intact in regard to demurrers in actions at law. This bill was enacted into law, going into effect with the *Code of 1924*. The Association voted its disapproval of a proposal to change the law so as to provide for only two kinds of actions—civil and criminal; to abolish the distinction between actions at law and suits in equity and the existing rule which prohibits the joinder of causes of action at law with those in equity; and to provide for but one form of civil action in Iowa.⁸⁶

JUDICIAL ADMINISTRATION

The improvement of judicial administration by bettering the welfare of officers, the conditions of service, and

⁸⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 52, 63, 64.

⁸⁶ *Proceedings of the Iowa State Bar Association*, Vol. XIII (1907), pp. 99,

the means of efficiency often receives the attention of the Bar. The Association recommended in 1900 that the salaries of judges of the Supreme and district courts be increased, and that the district judges be paid their necessary and actual expenses incurred while holding court outside of the county of residence, including travelling expenses. The next year it unanimously adopted the recommendation that the salaries of district judges be raised to \$4000 per year. In 1902, reports to the Bar Association congratulated it upon the enactment by the Twenty-ninth General Assembly of a statute increasing the salaries of district judges from \$2500 to \$3500. Full realization of these recommendations was later achieved in the statute raising salaries of district judges to \$4000 per year and authorizing the expense allowance as originally recommended by the Bar Association. Since this legislative action the Association has adopted a resolution recommending further substantial increases in the salaries of all judges of the Supreme, district, superior, and municipal courts. Another resolution was adopted in 1924 indorsing bills pending in Congress for an increase of Federal judges' salaries and urging Congressmen from Iowa to support the enactment of such bills into law.⁸⁷

In 1898 the Committee on Law Reform recommended a law increasing county attorneys' salaries. The committee reported that the law abolishing the system of district attorneys and establishing the system of county attorneys in each county, with power in the board of super-

100, Vol. XXIV (1918), pp. 89, 90, 98-100, Vol. XXVI (1920), pp. 89, 104-106, Vol. XXIX (1923), pp. 117, 121-128, Vol. XXX (1924), p. 148, Vol. XXXI (1925), pp. 96, 97, 113, 114; *Code of 1924*, Sec. 11130.

⁸⁷ *Proceedings of the Iowa State Bar Association*, Vol. VI (1900), pp. 56, 163, Vol. VII (1901), pp. 108, 218, Vol. VIII (1902), pp. 24, 87, Vol. XXVI (1920), p. 173, Vol. XXX (1924), p. 205; *Laws of Iowa*, 1902, Ch. 13, 1915, Ch. 92, 1917, Ch. 235, 1919, Ch. 70.

visors to fix the salaries of the county attorneys, had been a great detriment to the public service, since in the great majority of the counties the supervisors had provided such meager salaries that competent attorneys would not accept the office. The report contained the following comment: "Often attorneys without experience, who are just commencing the practice of law, are elected to this office. The Board is thus deprived of proper legal advice, often resulting in much loss to the county, while the criminal prosecutions are placed in inefficient hands. If the present system is to be maintained then we believe that the legislature should, by a general law, fix the salaries of County Attorneys, graded according to population of the county, and thereby secure the services of able and experienced attorneys." After able discussion, the recommendation was unanimously adopted. In principle if not sufficiently in substance, this recommendation has received legislative sanction.⁸⁸

The Association indorsed Code Commissioners' Bill No. 251 entitled "Security for Witnesses in Criminal Proceedings". The bill had previously received the recommendation of the County Attorneys' Association. It was designed to aid county attorneys in the performance of their duty by providing that a witness who is under bond for appearance at court and who does not appear may be declared guilty of an offense such that if he escapes from the State he may be brought back.⁸⁹

It was recommended that a statute should be enacted providing that actions may be brought at any time upon proper notice, without reference to term time, and that

⁸⁸ *Proceedings of the Iowa State Bar Association*, Vol. IV (1898), pp. 35, 65, 66-68; *Supplement to the Code of Iowa, 1907*, Sec. 308; *Code of 1924*, Sec. 5228.

⁸⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXVI (1920), pp. 89, 133.

issues may be made up in vacation. The Association, however, indefinitely postponed the proposal that a statute should be enacted prohibiting the dismissal of a cause without prejudice after a motion for a directed verdict has been submitted to the court. In 1925 the Association unanimously adopted the report of the Committee on Code Revision, recommending a law designating as "return day" the day on which any person is required to appear in court, and providing that such day may be the second day of any term of court as under the present law, or the second day of any week of any term of court, but that if a return day other than the second day of court is designated as return day, than the notice required for appearance shall be five days longer than the notice now required by law. The object of this bill is to facilitate the beginning and termination of proceedings in court.⁹⁰

It is sometimes suggested that some restraint be put upon the right of parties to start suits, dismiss them for strategic purposes, and start them again. A suggested amendment to the statute on the dismissal of an action would provide that no case shall be maintained against the same parties upon the same cause of action which has been dismissed when dismissal was made after the jury was sworn and without payment of the costs accrued at the time of dismissal, unless the trial court shall upon application and showing made, determine that the case should again be brought in the furtherance of justice. This proposal was laid on the table.⁹¹

After a vigorous discussion, the Association in 1916 de-

⁹⁰ *Proceedings of the Iowa State Bar Association*, Vol. XXVII (1921), pp. 99, 128, 129, Vol. XXIX (1923), pp. 120, 149, Vol. XXXI (1925), pp. 151-153, 156.

⁹¹ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 210-214; *Code of 1897*, Sec. 3764; *Code of 1924*, Sec. 11562.

clared in favor of the recommendation that the office of justice of the peace should be abolished and that a new ambulatory court should be established to be presided over by a lawyer called the "County Magistrate". This court should have original jurisdiction over all civil cases involving less than \$500 and the same criminal jurisdiction as now exercised by the justices of the peace.⁹²

Code Commissioners' Bill No. 224 entitled "Court Rules for Conciliation of Small Claims", received great attention in discussion in the session of the Association. This bill, which with conceded changes and amendments received the indorsement of the Association, was enacted into law by the Fortieth General Assembly.⁹³

RULES OF EVIDENCE

The Bar Association is alert to proposed changes in the law of evidence, some of which are recommended by it and some of which are rejected. It was proposed to the Association that all expert witnesses in medical and surgical cases should be appointed and their compensation fixed by the court, and that any expert witness may be examined as to any compensation paid or promised, in addition to that allowed by statute or by the court, as affecting his credibility as such witness. After considerable discussion, this proposal was rejected. The following question was answered in the negative: "Would provisions for the appointment by the court of experts on application of a party to the suit and to exclude other evidence be advisable and constitutional?"⁹⁴

⁹² *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 216, 222-226.

⁹³ *Proceedings of the Iowa State Bar Association*, Vol. XXVI (1920), pp. 90-104; *Laws of Iowa*, 1923, Ch. 265; *Code of 1924*, Secs. 10820-10824.

⁹⁴ *Proceedings of the Iowa State Bar Association*, Vol. X (1904), pp. 59, 93-97, Vol. XI (1905), pp. 58, 71.

The Association tabled the resolution that Section 5373 of the *Code Supplement* be repealed or that in any event the defense should make discovery of its witnesses the same as the prosecution in criminal cases. This section limits the county attorney in offering evidence supporting an indictment to the evidence given before the committing magistrate or grand jury, or to four days notice of introduction of other evidence, or to leave of court which, if obtained, entitles the defendant to an election for a continuance. It also tabled two other propositions — that the rule against impeaching one's own witness be abolished; and that the rule as to impeachment by a party of his own witness be so amended that if a party has been misled by a witness and has thereby been surprised by the hostile testimony of such witness he be permitted upon proper showing to strike or withdraw the testimony thus given in the case.⁹⁵

Proposals for the amendment of Code Section 4604, relating to the rule of exclusion of testimony of witnesses as to a transaction with a person since deceased, were separately decided. Two of them were adopted: that the inhibition of the rule shall apply to the husband or wife of the party calling the witness as to any alleged conversation or transaction between the party and the deceased even though the witness took no part in such conversation or transaction; and that its inhibition shall not apply to any witness whose interest in the event of the suit is adverse to the party calling him. The third proposal, that the inhibition of the rule shall not apply to a witness who is a mere party to the suit if such party has no interest in the event of the issue upon which he testifies or if his in-

⁹⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 216, 227, Vol. XXIII (1917), pp. 51, 58, 59; *Supplement to the Code of Iowa, 1913*, Sec. 5373; *Code of 1924*, Sees. 13851-13853.

terest therein is adverse to the party calling him, was tabled.⁹⁶

A proposal was submitted that when the trial judge considers it necessary in order to expedite the trial or secure more just results, he may limit the number of witnesses on a given question, exclude further cumulative evidence on the same point, require admissions of record by the parties to the suit as to the undisputed matters, or himself interrogate any witness for the purpose of arriving at the truth. This proposal was not adopted in the above form, but the following proposal was recommended in its stead: "When the trial judge considers it necessary, in order to expedite the trial, he may require admissions of record by the parties as to undisputed matters." Another plan for the shortening and simplification of lawsuits was indorsed in the proposal that the statute be amended so as to permit either party to a suit to place the opposite party upon the witness stand for examination without being bound by his testimony. These propositions were vigorously discussed before the Association. The Legislative Committee reported as to the latter: "This proposition did not get beyond the confines of the committee".⁹⁷

The Bar Association has recommended that the statute be amended so as to permit a party, subject to the order of the court or judge, to take depositions upon oral interrogatories and to serve his notice accordingly. It was urged in support of this proposal that the method of written interrogatories is wholly inadequate to obtain the testimony of an unwilling witness. The report as to Code

⁹⁶ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 51, 57, 58; *Code of 1897*, Sec. 4604; *Code of 1924*, Secs. 11257, 11258.

⁹⁷ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 52, 64-66, Vol. XXIX (1923), pp. 120, 134-143, Vol. XXX (1924), p. 150 (10).

Commissioners' Bill No. 230, entitled "Evidence — Depositions", was considered by the Association and with proposed amendments was indorsed. The Association also considered the proposal for an amendment to the law so as to provide that a party desiring to take depositions outside of the State may apply to the court or judge for an order directing that a commission issue for the taking of such depositions upon oral interrogatories of the moving party. During the consideration of the matter Judge Jesse A. Miller proposed the recommendation of the Uniform Deposition Act for consideration by the Legislative Committee of the Association. The action taken resulted in both the original proposal and the Uniform State Act in relation to the taking of depositions being referred to the Legislative Committee for their consideration and future action. Later the committee reported to the Association: "The law was rewritten but without substantial change in regard to the taking of depositions."⁹⁸

The Association recommended amendment of Code Section 4623 in relation to the admissibility of books of account as evidence, to the end that the statute may be made to conform more nearly to modern and improved methods of bookkeeping. The Thirty-eighth General Assembly responded by enacting a law authorizing the admission in evidence, as books of account, of any loose-leaf or card or other form of entry which may be in use in the ordinary course of business by the party seeking to prove an account against another, subject to identification as being the original entry of such account.⁹⁹

⁹⁸ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 52, 59-62, Vol. XXVI (1920), pp. 89, 107-111, Vol. XXIX (1923), pp. 120, 129-131, Vol. XXX (1924), p. 150; *Code of 1924*, Secs. 11358-11399.

⁹⁹ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 186, 202; *Code of 1897*, Sec. 4623; *Laws of Iowa*, 1919, Ch. 393; *Code of 1924*, Sec. 11282.

The proposal that the bulk sales law be so amended as to raise a conclusive presumption of fraud on the part of both seller and buyer in the case of non-compliance with its provisions was tabled by the Association, which also rejected a proposal the effect of which would be to impose upon the defendant in all cases the burden of proving contributory negligence of the plaintiff in all actions brought in the courts of Iowa to recover damages caused by the negligence of the defendant. In behalf of this proposal it was argued: that negligence is never presumed unless it is made a presumption by law, and that the law is not logical when it places upon the plaintiff the burden of proving that the defendant has been guilty of negligence, that the plaintiff himself has been free from contributory negligence, and that contributory negligence should always be a defense for the defendant to prove.¹⁰⁰

Relative to interrogatories annexed to a pleading it was recommended that Section 3605 of the *Code of 1897* be repealed, and that in lieu thereof it be enacted that the party answering shall be confined to answers which are responsive to the questions asked, that any answers or part thereof which are not directly responsive to the questions asked and material to the issues involved may be stricken out on motion by the objecting party. The old provision, however, remains the law.¹⁰¹

CRIMINAL PROCEDURE

Interesting and important changes in the law of criminal procedure have been proposed before the Association. It is significant to note that the trend of these proposals in

¹⁰⁰ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 51, 56, Vol. XXVIII (1922), pp. 89, 100, 101; *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 3593-a; *Code of 1924*, Sec. 11210.

¹⁰¹ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 127-129; *Code of 1897*, Sec. 3605; *Code of 1924*, Sec. 11186.

Iowa has been in the direction of curtailing privileges and advantages of defendants and in the direction of a more impartial view of the State as a party with rights to be considered as well as those of defendants. A thorough-going discussion of "Proposed Reforms in Criminal Procedure" was afforded in the paper of Judge Deemer published in the proceedings of the Bar Association for 1908.¹⁰²

A proposal was submitted to the Association that a constitutional amendment should be adopted providing for the abolition of the grand jury and for placing parties upon trial upon information. O. M. Brockett called attention to the fact that Iowa already has such law in the third provision of the constitutional amendments of 1884 and that there is apparent conflict between this amendment and section eleven of the Bill of Rights in the Constitution of Iowa. The proposition was then rejected.¹⁰³

The Association adopted a proposal recommending that Congress should be memorialized to pass a statute authorizing a defendant charged before a United States Commissioner to waive the right of indictment and to go to trial upon information filed by the Federal District Attorney, and recommending a constitutional amendment if required for the purpose.¹⁰⁴ It adopted the proposal that in any matter of formal averment an amendment of an indictment be permitted to the county attorney. In substance, this proposal has since been written into the law.¹⁰⁵ A reso-

¹⁰² *Proceedings of the Iowa State Bar Association*, Vol. XIV (1908), pp. 89-103.

¹⁰³ *Proceedings of the Iowa State Bar Association*, Vol. XI (1905), pp. 58, 71-74, 140-145; Constitution of Iowa, 1857, Art. I, Sec. 11, Amendments of 1884, Amendment 3.

¹⁰⁴ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 215, 220.

¹⁰⁵ *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), p. 79, Vol. XIII (1907), p. 99; *Code of 1924*, Secs. 13744-13747.

lution was adopted providing that: "In any county the district court may, if in its opinion necessary to the proper administration of justice, appoint an assistant to the county attorney to assist in the trial of a person charged with a felony."¹⁰⁶

A proposal that Section 5484 of the *Code of 1897* be amended by striking therefrom the provision that the attorney or attorneys for the State shall not, during the trial of a criminal case, refer to the fact that the defendant did not testify in his own behalf was tabled. This proposal was again rejected by the Association in 1925.¹⁰⁷ A proposal to repeal the law requiring the State to provide an attorney for a defendant in a criminal case was postponed for consideration at a later meeting, but the matter was not again referred to the Association. The Association tabled a proposal that a statute should be enacted permitting the State to secure a change of venue in the trial of criminal cases upon the same conditions that such change is allowed to a defendant. The Fortieth General Assembly, however, enacted a law to this effect. The Association rejected a proposal recommending such a change in existing statutes as will eliminate the right to file a motion in arrest of judgment in a criminal case for any cause appearing on the face of the indictment, or for any other cause arising prior to the time the jury is impaneled.¹⁰⁸

In one instance the Association was charged with committing itself to sweeping away the ancient safeguard that

¹⁰⁶ *Proceedings of the Iowa State Bar Association*, Vol. XVI (1910), pp. 193, 194.

¹⁰⁷ *Proceedings of the Iowa State Bar Association*, Vol. XXVII (1921), pp. 127, 128, Vol. XXXI (1925), p. 116; *Code of 1897*, Sec. 5484; *Code of 1924*, Sec. 13891.

¹⁰⁸ *Proceedings of the Iowa State Bar Association*, Vol. IV (1898), pp. 36, 68-73, 75, 91-93, Vol. V (1899), pp. 25, 59-73, Vol. XXVII (1921), pp. 99, 112-115, Vol. XXIX (1923), p. 115; *Laws of Iowa*, 1923, Ch. 221.

no man shall be twice put in jeopardy for the same offense; it adopted the recommendation for a constitutional amendment to prevent a defendant in a criminal case, after an appeal by him and a reversal of the judgment of the lower court, from relying upon the proceedings or verdict in the case as an adjudication of any fact or right.¹⁰⁹ At a later period the Association tabled a proposal urging such legislative action or constitutional amendment, if necessary, as will preclude a defendant who has been convicted of any degree of the offense charged, which verdict is upon his motion set aside, from pleading such verdict as previous jeopardy for adjudication upon a subsequent trial. It thus rejected the further extension of the principle of the rule of the Supreme Court of the United States, which holds relating to a defendant: "When at his own request he has obtained a new trial, he must take the burden with the benefits and go back for a new trial of the whole case."¹¹⁰

After a well sustained discussion of the merits of both sides of the question, the Association in 1916 rejected the proposal that the death penalty for murder should be abolished in this State.¹¹¹

THE JURY SYSTEM

Questions relating to the jury system and its workings have come before the State Bar Association. As early as the first annual session in 1895 a special Judicial Committee submitted a report to the Association setting forth some criticisms of the jury system and proposing remedial

¹⁰⁹ *Proceedings of the Iowa State Bar Association*, Vol. V (1899), pp. 25, 73, 74, Vol. VI (1900), pp. 56, 57, 68, 76.

¹¹⁰ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 216, 277; *Trono v. United States*, 199 U. S. Reports, p. 521.

¹¹¹ *Proceedings of the Iowa State Bar Association*, Vol. XXVIII (1922), pp. 90, 108-116.

measures. Consideration of this report, however, was deferred for the time being. In 1906 a Committee on Laws Governing Drawing of Grand and Petit Jurors submitted a report recommending legislation requiring township trustees to return lists of names of voters for jurors in the years when there is no general election at the same time of year and in the same manner as in the years when there is a general election. This report was adopted.¹¹²

In 1909 the Association recommended a change in the law respecting the preparation of jury lists so as to substitute for the judges of election a jury commission to prepare the lists. The whole matter was fully discussed and action was taken for a committee to draft a bill to present to the next legislature in behalf of a jury commission system. The next year the jury commission bill was presented before the Association by William McNett of Ottumwa, who also addressed the Association in behalf of the bill. An amendment to the bill was offered dividing the commission between the two leading political parties. The amendment was adopted carrying also the approval of the proposed bill, and it was left with the committee to fill in the blank making it applicable to certain counties. This bill was introduced in the legislature but no action was secured.¹¹³

In 1914 the Association recommended to the ensuing General Assembly the enactment of a statute modifying the then existing system of selecting names for petit and grand juries, and providing for a jury commission to select the names from which the panels for both the petit and grand juries should be drawn. Action was also taken to have a committee appointed to formulate and draft a bill

¹¹² *Proceedings of the Iowa State Bar Association*, Vol. I (1895), pp. 76, 77, Vol. XII (1906), pp. 155-158.

¹¹³ *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 138-148, Vol. XVI (1910), pp. 182-193, Vol. XX (1914), p. 185.

to present to the next legislature for the purpose of providing such proposed jury commission in counties having cities of ten thousand or more people. A very complete report with a draft of the bill and memoranda of facts in support thereof was submitted and approved in 1915, and by action of the Association the committee was continued and enlarged so as to include one member from each congressional district of Iowa. In 1916 the Association tabled a proposal to recommend "that the selection of jurors be by a Commission appointed by the Judges of the District Court, which Commission shall be non-partisan, and the appointment of such Commission, or any of them, shall be subject to revocation at any time without cause assigned."¹¹⁴

The Special Committee on the Selection of Jurors reported in 1917 that a bill in accordance with the instructions of the Bar Association had been prepared and presented in the Thirty-seventh General Assembly and had been enacted into law with the amendment that it was applicable to any county having a city of fifteen thousand or more people. The law has since been modified by making it applicable to each county having situated therein a city with a population of fourteen thousand or more.¹¹⁵

In 1915 the Association recommended to the next General Assembly the enactment of a statute providing that in counties having a population of less than 25,000 the grand jury should be required to appear only at the first term of court for the year, and not at subsequent terms for that year unless ordered so to do by the court or judge.¹¹⁶

¹¹⁴ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 181-185, 186, Vol. XXI (1915), pp. 174-191, Vol. XXII (1916), pp. 217, 227.

¹¹⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXIII (1917), pp. 69, 70; *Laws of Iowa, 1917*, Ch. 267; *Code of 1924*, Sec. 10849.

¹¹⁶ *Proceedings of the Iowa State Bar Association*, Vol. XXI (1915), pp. 223, 225.

For the purpose of obtaining uniformity of procedure in impaneling the jury a plan already pursued in many districts was recommended by the Association. This read as follows: "that the present method of exercising peremptory challenges results in many mistrials because of the fact that the last man drawn is not an impartial juror, and yet may not be disqualified under the statute. We believe that at least sixteen jurors should be drawn, and that all peremptory challenges should be exercised with sixteen men in the box, and that after each side has exercised three challenges, then that each side should strike the names of two jurors, leaving the twelve trial jurors remaining." This plan was first proposed in 1906 and after vigorous discussion its further consideration was postponed until 1907 when it was indorsed by the Association. It was again indorsed in 1916.¹¹⁷

In 1913 the Association referred back to the Committee on Law Reform for report the next year a proposal that requests for instructions to the jury must be submitted to the court before argument of counsel begins, that all exceptions to instructions given or refused must be taken before they are read to the jury and that no exception unless so taken will be considered on a motion for a new trial, or by the Supreme Court, although the General Assembly had enacted a law in line with this recommendation at its preceding session. A proposal to repeal this measure was presented to the Bar Association at its 1914 meeting but was tabled after discussion.¹¹⁸

In 1920 upon consideration of the report on Code Commissioners' Bill No. 232, relating to instructions to juries,

¹¹⁷ *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), pp. 79, 81-88, Vol. XIII (1907), pp. 74-76, Vol. XXII (1916), pp. 217, 222.

¹¹⁸ *Proceedings of the Iowa State Bar Association*, Vol. XIX (1913), pp. 221, 222, 229, 230, Vol. XX (1914), pp. 186, 187-201; *Laws of Iowa*, 1913, Ch. 289.

the recommendation of the committee in support of this bill was laid on the table. A motion was carried declaring "that it is the sense of this Association that we do not favor the reading of instructions to juries before the arguments of attorneys." In 1923 indefinite postponement was voted on the question, "Should a law be enacted providing that the instructions to the jury shall be read before arguments are made in the case?" The Code Commissioners' bill was not passed, but the Fortieth General Assembly enacted a revision of the Code sections relating to instructions which is in general similar to the former provisions of the law. The Association, in 1924, rejected a proposal favoring the restoration of the law which required judges to submit the instructions to the attorneys before argument in all cases in which written instructions are required, having previously by amendment stricken out a clause requiring all objections to be made before the instructions are read.¹¹⁹

The Association in 1924 rejected a proposal that the law be so amended as to permit the trial judge to instruct juries orally, at his option, in all civil cases wherein the amount in controversy does not exceed three hundred dollars. A similar proposal was included among those tabled in 1916. The Association also rejected a proposal submitted to it in 1925 that when motion to direct a verdict is made the court may in its discretion order the case submitted to the jury, that if the verdict is returned against the moving party and the court is of the opinion that the motion to direct should have been sustained the court may then set aside the verdict, sustain the motion and enter judgment

¹¹⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXVI (1920), pp. 89, 112-122, Vol. XXIX (1923), pp. 120, 132-134, Vol. XXX (1924), pp. 125, 127; *Compiled Code of 1919*, Secs. 7500-7505; *Laws of Iowa*, 1923, Ch. 263; *Code of 1924*, Secs. 11491-11495.

as if directed verdict had been returned, that the Supreme Court may on appeal remand the cause with instructions for the entry of such verdict and final judgment as it shall determine should have been entered.¹²⁰

A proposal that trial judges be empowered to limit the time to be used by counsel in argument to the jury in all civil cases was rejected. Later a proposal that the court should have the power to limit the argument of counsel to the jury subject to review for abuse of discretion was tabled. It was also recommended that the legislature should enact laws empowering the trial court to limit argument of counsel in jury cases, provided that in no case the argument for each side should be limited to less than one hour, that in the more important civil cases and in all criminal cases the limitation should not be less than three hours to a side, and in criminal cases involving a death penalty or life imprisonment no limitation should be made. The Association rejected this proposal by a tie vote.¹²¹

"Ought the court to have the power to advise the jury as to credibility and weight of the testimony as is done by the circuit and district judges in the United States courts?" Upon discussion of this question the Iowa Bar Association voted in the negative. At a later session the Association tabled the proposition that the judge after the close of the evidence and the argument of counsel may express to the jury his judicial view as to the credibility or weight of the evidence or any part of it. A similar proposal relating to written instructions of judges to juries in criminal cases was rejected in 1925.¹²²

¹²⁰ *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 215, 227, Vol. XXX (1924), p. 122, Vol. XXXI (1925), pp. 98-113.

¹²¹ *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 108, 218, Vol. XI (1905), pp. 58, 61, 71, Vol. XVIII (1912), pp. 145, 184-186.

¹²² *Proceedings of the Iowa State Bar Association*, Vol. XI (1905), pp. 58, 61-71, Vol. XXIII (1917), pp. 52, 66, Vol. XXXI (1925), p. 116.

Three times a proposal has been submitted to the Association that it should recommend that legal provision be made for a jury verdict of less than twelve in the trial of civil cases, but each time the proposal has been defeated after discussion. The last proposal was for a three-fourths verdict in all civil cases wherein the amount in controversy does not exceed five hundred dollars and in criminal cases when the penalty is less than life imprisonment, such verdict not to be accepted by the court until the jury shall have deliberated not less than ten hours.¹²³

Indorsement was given to the recommendation of the Law Reform Committee that the Bar Association express its disapproval of the practice of trial judges of absenting themselves from the court room during the argument of counsel to the jury, leaving no one to settle the disputes that may arise, no one to act when complaints are made by opposing counsel, and no adequate means of preserving in the record errors that may arise from such argument or other misconduct of counsel. It was further recommended by the Association that the General Assembly be asked to so amend the law procedure as to prohibit trial judges from such practice, except by the consent of counsel for both parties.¹²⁴

The Association tabled the proposal that it recommend to the next General Assembly the enactment of a law providing that boards of supervisors in all counties of the State shall be required to provide comfortable and adequate sleeping quarters for the accommodation of juries during their deliberations. It has twice rejected the proposal

¹²³ *Proceedings of the Iowa State Bar Association*, Vol. VI (1900), pp. 56, 57-75, Vol. VII (1901), pp. 108, 201-217, Vol. XVIII (1912), pp. 145, 187-192.

¹²⁴ *Proceedings of the Iowa State Bar Association*, Vol. III (1897), pp. 68-75.

that trial courts be authorized by statute to permit a jury to adjourn and separate without being in charge of an officer, after a cause has been submitted to it and before reaching a verdict, and then to reconvene for further deliberation. It postponed consideration of the question as to whether the actual jury fee in a case should be taxed to the losing litigant.¹²⁵

THE SUPREME COURT

The lawyers of Iowa have been interested in the consideration of many proposed changes affecting the Supreme Court and its procedure. These proposals have extended over a wide range of matters, including practically all of the important questions on the subject which at various times during the period have been discussed in the forum of the public press and periodicals of the country, as well as many other questions of more technical interest to the practitioner of the law.

Various proposals have been submitted for the regulation of the court, its judges, and their functions. Thus the Association indorsed proposals that judges of the Supreme Court be required by law to make Des Moines their permanent place of residence during their official terms of office; that their salaries be \$6000 per annum; that there be but one term of the Supreme Court lasting from September to June with a short recess at the holiday season; that a certain number of causes be assigned for submission and oral argument for a certain number of days, and that after such submissions are taken the court shall take a recess for such time as may be necessary to prepare and file opinions in such submitted causes, and that this

¹²⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXI (1915), pp. 223, 225, Vol. XXVII (1921), pp. 98, 103-112, Vol. XXIX (1923), pp. 120, 134, Vol. XXXI (1925), pp. 114-116.

method of alternating procedure be followed during the entire term or until all the assigned causes which may be ready for submission are disposed of.¹²⁶

It was previously recommended that the law require each Judge of the Supreme Court to read in full all the record, abstracts, and arguments in cases to be decided by the court; that in order that the best results from oral arguments may be attained, that in all cases noticed for oral argument a few cases be assigned for hearing, and when heard, recess or adjournment be taken for such time as will enable immediate examination in order to determine and write opinions, and then ordering another assignment and like hearing until all the causes are determined. The Association recommended that opinions be not required to be written in all cases, but that they should be written only in cases reversed; and that in causes affirmed or modified only such opinions should be written as in the judgment of the Judges of the Supreme Court present such questions and rulings as warrant written opinions, and other cases to require only an entry of such affirmance or modification on the proper docket or record.¹²⁷

The Association recommended that the Judges of the Supreme Court have the sole supervision and control of the preparation and publication of the Iowa Reports, including the letting of all contracts for printing thereof and the enforcement of such contracts. This recommendation was adopted after an amendment was passed excluding from it the provision that the Reporter of the Supreme Court should conform to the requirements of the Judges relative to the preparation of manuscript for such reports

¹²⁶ *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 108, 217, 218.

¹²⁷ *Proceedings of the Iowa State Bar Association*, Vol. II (1896), pp. 126-128, 131, 132.

under penalty of suspension of his salary at their discretion. At the next annual meeting the Bar Association recommended that the statutes be so amended as to give to the Judges of the Supreme Court the power of appointment and removal of the Supreme Court Reporter, and to give to them the sole supervision and control of the preparation and publication of the Iowa Reports, including the letting of all contracts for printing and their enforcement.¹²⁸

In 1910 the Association recommended that the Clerk and the Reporter of the Supreme Court should be appointed by the court and not elected by the people. The Thirty-fifth General Assembly of Iowa enacted a law providing for the appointment of the Clerk and Reporter of the Supreme Court by the members of such court and fixing the terms of such appointive officers at four years each. In 1916 the Association tabled the proposal that only those opinions of the Supreme Court of Iowa should be published as the judges of such court should deem of sufficient importance to be included in the official reports.¹²⁹

The Association recommended that the rules of the Supreme Court be changed requiring the argument for the appellant to be served at least sixty days prior to the term at which the case is to be heard and the argument of the appellee to be filed fifteen days before the case is to be heard. Later it recommended that the appellant be required to file his brief at least sixty days before the hearing, that the appellee should have thirty days to prepare and file his argument, and then that the appellant should have ten days to file his reply. It further recommended that in view of the great increase in the number of oral arguments in

¹²⁸ *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 108, 220-227, Vol. VIII, (1902), pp. 87, 88.

¹²⁹ *Proceedings of the Iowa State Bar Association*, Vol. XVI (1910), p. 162, Vol. XXII (1916), pp. 215, 227; *Laws of Iowa*, 1913, Ch. 106; *Code of 1924*, Secs. 154, 12817.

the submission of cases to the Supreme Court, a rule should be adopted permitting the court to fix the time for each particular case, which in no event should be less than thirty minutes to each side. It rejected the proposal that the rules of the Supreme Court be changed permitting the court to assign a petition for rehearing at any period after it is filed.¹³⁰

The Association has fostered measures for the relief of the burden imposed upon the Supreme Court. In 1900 it recommended legislation providing for the establishment of an independent appellate court of final jurisdiction in order that the Supreme Court might be relieved from the large number of appeals taken to it. The enormous magnitude of the work imposed upon the Supreme Court was effectively shown in an interesting paper presented before the Association in 1903, entitled, "Submissions to the Supreme Court under the New Statute", by F. F. Dawley, of Cedar Rapids. Following this the Association adopted a resolution offered by Judge Towner providing for the appointment of a committee to confer with the Supreme Court and to present and recommend to the legislature such modifications or new provisions as may be necessary to conform the practice to the reorganization of the Supreme Court.¹³¹

In 1910 the question of relief for the Supreme Court was referred to the Committee on Law Reform with the request that it consider the several suggestions, report a bill, and make recommendations to the Association. This committee was given charge of presenting to the legislature a recommendation of the Association that legislation be en-

¹³⁰ *Proceedings of the Iowa State Bar Association*, Vol. XIII (1907), p. 95, Vol. XV (1909), p. 147, Vol. XVI (1910), pp. 144, 145-153.

¹³¹ *Proceedings of the Iowa State Bar Association*, Vol. VI (1900), pp. 56, 150, Vol. IX (1903), pp. 76, 182-204.

acted cutting off appeal in all cases of misdemeanor not indictable and granting only writs of error in all civil cases where the amount in controversy is three hundred dollars or less. In the 1912 session the Association adopted a recommendation that the Committee on Law Reform be authorized and directed to prepare or cause to be prepared a bill to be submitted to the next General Assembly providing for an increase in the number of Supreme Judges to be not less than nine. The General Assembly in 1913 provided by statute for an increase in the number of Supreme Court Judges so that the number should consist of seven.¹³²

APPEALS TO THE SUPREME COURT

In no other subject of professional concern are lawyers more interested than in questions of proposed reforms in various matters of procedure and methods relating to appeals to the Supreme Court. The question of the time in which appeals should be taken has often arisen. At four sessions the Association recommended that in criminal cases the appeal to the Supreme Court must be perfected within six months from the date of the rendition of the judgment in the lower court. Then it recommended that the time for taking appeals in all cases should be limited to ninety days after the entry of judgment or order appealed from, and later, that the time for taking an appeal from the district court to the Supreme Court should be reduced to two months. Again, in 1921, the proposal that appeals to the Supreme Court should be taken within three months from the date of judgment or decree was adopted by the Association. A bill to that effect was presented in the

¹³² *Proceedings of the Iowa State Bar Association*, Vol. XVI (1910), pp. 34, 35, 181, 182, Vol. XVII (1911), pp. 123, 187-189, Vol. XVIII (1912), pp. 144, 149-154; *Laws of Iowa*, 1913, Ch. 22; *Code of 1924*, Sec. 12801.

Fortieth General Assembly and there defeated in so far as civil appeals are concerned, but a law was enacted that an appeal in criminal cases must be taken within sixty days. The General Assembly at its extra session, however, enacted a law that appeals from the district, superior, and municipal courts in civil actions must be taken to the Supreme Court within four months from the date of the entry of record of the judgment or order appealed from.¹³³

The question of amendment of the law limiting the class of cases and the minimum amount involved for which an appeal may be taken has likewise engaged the attention of the Association. In 1910 it recommended legislation to exclude from appeal all cases of misdemeanor not indictable and writs of error in all civil cases where the amount in controversy is three hundred dollars or less. In 1921 it recommended that the statute be amended so that no appeals in civil action could be taken to the Supreme Court if the amount involved is less than five hundred dollars, without the certificate of the district court. The ensuing legislature, however, made no change in the amount.¹³⁴

The Association has sought to secure an amendment of the manner of service of the notice of appeal as provided in Section 4115 of the *Code of 1897*. It recommended a proposal that "A notice of appeal shall be served and return made thereon in the same manner as an original notice in a civil action, and filed in the office of the Clerk in which the judgment or order appealed from was render-

¹³³ *Proceedings of the Iowa State Bar Association*, Vol. IX (1903), pp. 60, 63, 64, Vol. XII (1906), pp. 79, 81, Vol. XIII (1907), pp. 69, 71-73, Vol. XIV (1908), p. 105, Vol. XXII (1916), pp. 215, 226, Vol. XXIII (1917), pp. 51, 53, 54, 55, Vol. XXV (1919), pp. 71, 73, 99, 124, Vol. XXIX (1923), p. 115, Vol. XXX (1924), p. 148; *Laws of Iowa*, 1923, Ch. 222; *Code of 1924*, Sec. 12832.

¹³⁴ *Proceedings of the Iowa State Bar Association*, Vol. XVI (1910), p. 182, Vol. XXVII (1921), pp. 99, 124, 125, Vol. XXIX (1923), p. 115, Vol. XXX (1924), p. 148.

ed or made, except that as to parties who have made no appearance, or appearance for whom has been withdrawn, or in whose behalf there is filed no claim or defense in respect to the subject matter of the action of the lower court appealed from, the service of the notice of appeal on the clerk of the court below and the filing of the same in his office shall constitute sufficient service. All other notices connected with or growing out of the appeal shall be served and the return made in like manner, and filed in the office of the Clerk of the Supreme Court, and all notices provided for in this section become a part of the record in the case on being filed." The purpose of this recommendation was to obviate the expense, difficulty, and delay caused in the serving with notice in the manner required for the service of an original notice parties appearing on the record as adverse but really having no interest in the issue or in the question to be presented to the Supreme Court. Moreover, the technical dangers to the appeal under such requirements are considerable. Formal service of notice upon such parties seemed useless. The exception provided in the proposed amendment is designed to take care of all these difficulties.¹³⁵

The Association rejected the proposal that the statute in relation to taxing costs should be amended so that all costs of appeal to the Supreme Court should follow the case and be taxed against the unsuccessful party on final judgment.¹³⁶

The Association recommended that there be some statutory provision for certifying the record on appeal in the case of death, disability, resignation, or expiration of the

¹³⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 129-132, Vol. XXXI (1925), pp. 95, 96, 117, 118.

¹³⁶ *Proceedings of the Iowa State Bar Association*, Vol. VI (1900), pp. 56, 151, 152.

term of office of the trial judge before his certificate is made for bills of exception and other certification of the record. It also adopted the following recommendation: "For the purpose of an appeal, the date of judgment or decree as the same appears in the records of the district court, will be conclusive evidence that such judgment or decree was entered of record on such date." At two annual sessions the Association recommended that the law should be changed so as to require an abstract to be filed in the Supreme Court and the cause docketed within three months after the appeal is perfected, unless upon written application to the court or one of its judges the time for filing the abstract should be extended. The same proposal was indefinitely postponed at a later session, while there was unanimous rejection of the proposal that the law be amended so as to require an abstract of record on appeal to be filed by appellant thirty days before the first term after appeal. The proposal that the appellant should be required to set out in his abstract of record the errors relied upon for reversal was also rejected.¹³⁷

In 1921 the Association recommended that a statute be enacted providing that on appeals to the Supreme Court no printed abstracts be required, but that the appellant must file with the clerk of the Supreme Court the transcript in the case and that each party must state in the printed argument so much of the record only as is necessary to present the questions raised on appeal. A similar

¹³⁷ *Proceedings of the Iowa State Bar Association*, Vol. II (1896), pp. 128, 129, 132, Vol. XII (1906), pp. 78, 80, 81, Vol. XIII (1907), pp. 69-71, Vol. XIV (1908), pp. 104, 105, 106, 166, Vol. XXVIII (1922), pp. 89, 101, 103-108; *Code of 1897*, Sec. 4120; *Code of 1924*, Sec. 12848.

The recommendation that the district court record of the judgment or decree will be conclusive evidence as to the date of record was made with reference to the decision of the Iowa Supreme Court in *Hoffman v. Stark*, 108 N. W. 329; *Thompson v. Association*, 114 N. W. 31.

proposal was not adopted in 1924, but was referred to a special committee for investigation and report. Upon conferring with the judiciary committees of the legislature, the committee found it inadvisable to present the matter to the legislature. In 1925 the Association recommended the amending of the laws or rules governing appeal by the defendant in a criminal case so that if he is financially unable to submit printed abstract and argument the court may permit him to submit his case upon the transcript and typewritten argument. However, it appears that under Rule 33 of the Supreme Court that practice is already permitted.¹³⁸

In 1924 the proposal was submitted to the Association that Code Section 3749 be amended so that appeals in all legal actions may be determined without a transcript of any part of the record in cases wherein the court certifies the questions to be determined on the appeal. This was designed as an expeditious and inexpensive way of presenting questions to the Supreme Court where the case turns on one or two points that may be simply stated by the trial judge in the brief certificate given by him in this class of cases. The whole matter was referred to a special committee to prepare a bill therefor for the further consideration of the Association.¹³⁹

The question of technical error as a basis for the reversal of judgments of lower courts by the Supreme Court bulks very large in the literature concerning law reform and at several times proposals relating to the matter have received the attention of the Iowa Bar Association. A proposal was offered in 1904 asking that a statute be enact-

¹³⁸ *Proceedings of the Iowa State Bar Association*, Vol. XXVII (1921), pp. 99, 126, 127, Vol. XXIX (1923), p. 116, Vol. XXX (1924), pp. 117-122, 149 (5), Vol. XXXI (1925), pp. 116, 117, 118.

¹³⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 115-117; *Code of 1897*, Sec. 3749; *Code of 1924*, Secs. 11536-11541.

ed directing the Supreme Court not to reverse any case, civil or criminal, because of any technical error unless the record discloses that such error might have changed the judgment of the trial court. The consideration of this proposal was postponed until the next year, but it was not then submitted. In 1909 a proposal suggested a law that no judgment should be set aside or reversed or a new trial granted on appeal in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for any error as to any other matter of pleading or procedure, unless in the opinion of the appellate tribunal, prejudice is affirmatively shown or the court finds that the error complained of has resulted in a miscarriage of justice. After discussion the proposal was referred to the Committee on Law Reform for further consideration and report the next year. A similar proposal was presented to the Association in 1910 and it was also referred to the Committee on Law Reform for report to the next annual meeting of the Association. A similar proposal was presented in 1911 and rejected.¹⁴⁰

Proposals favoring a similar law were submitted in 1912 and 1913 and were laid upon the table. The Iowa law, however, already provides that in both criminal and civil cases the Supreme Court must examine the record, without regard to technical errors or defects which do not affect the substantial rights of the parties, and render such judgment on the record as the law demands. In criminal cases it may affirm, reverse, or modify the judgment, or render such judgment as the district court should have done, or order a new trial, or reduce the punishment, but can not increase it. The Iowa law further provides that no exception shall

¹⁴⁰ *Proceedings of the Iowa State Bar Association*, Vol. X (1904), pp. 60-97, Vol. XV (1909), pp. 135-138, Vol. XVI (1910), pp. 162-166, 193, Vol. XVII (1911), pp. 123-155.

be regarded in the Supreme Court unless the ruling has been on a material point, and the effect thereof prejudicial to the rights of the party excepting.¹⁴¹

In 1917 the following proposal was submitted to the Association: "When the Trial Judge in ruling upon the admission or exclusion of evidence correctly states the rule of law, but in the exercise of his discretion holds that the strict application of such rule to that particular offer of evidence would work an injustice, such ruling shall not be considered on appeal as reversible error." This proposal was vigorously opposed on the ground of the uncertainty with which it would affect the rules of evidence, Wm. Mulvaney remarking, "It is beneath the dignity of lawyers to talk about technicalities; there are no technicalities about the rules of evidence that are not founded on principle." The proposal was laid on the table.¹⁴²

NOMINATIONS AND ELECTIONS

As early as 1901 the Iowa Bar Association recommended "the adoption of a safe, judicious and efficient primary election law." The law establishing primary elections was passed by the Thirty-second General Assembly in 1907. Legislation in behalf of regulation of elections was indorsed by the Association in the following words: "We recommend the passage of a law which shall make it a misdemeanor for any person or committee to, directly or indirectly solicit from any employee appointed by the authority of the state, a gift or donation of any money or other thing of value for any political purpose whatsoever, and

¹⁴¹ *Proceedings of the Iowa State Bar Association*, Vol. XVIII (1912), pp. 144-148, Vol. XIX (1913), pp. 220, 223; *Code of 1897*, Secs. 3601, 3754, 5462; *Code of 1924*, Secs. 11228, 11548, 14010.

¹⁴² *Proceedings of the Iowa State Bar Association*, Vol. XXII (1916), pp. 217, 227, Vol. XXIII (1917), pp. 52, 67, 68.

providing that any such employe so giving money or anything of value, and the person receiving the same, shall be deemed guilty of a misdemeanor and punishable accordingly, and that the conviction of any such employee of such offense shall at once work a forfeiture of his position."¹⁴³

The Thirty-fifth General Assembly in 1913 passed the act for the non-partisan nomination and election of judges. A proposal for this method had been submitted to the Association at its session the preceding year, but no action had been taken thereon. After this method had been enacted into law, there was twice submitted to the Association the proposal that it recommend to the General Assembly the enactment of a statute changing the legal method for the nomination of Supreme and district judges and providing for an increase in the tenure of office. This proposition was passed by without action the first time, and on its second presentation was laid on the table.

In his address before the Association in 1914, President F. F. Dawley denounced the judicial primary law enacted in 1913 as a statute for the encouragement and assistance of incompetent candidates for the bench. He said: "Men who would not have dreamed of presenting themselves to any judicial convention we ever had, and asking for a nomination, have pushed themselves in and obtained nominations under this law . . . the law enables the most unfit and the most brazen to lay unholy hands on the judicial ermine, and it threatens to degrade our Courts." The law for the non-partisan nomination and election of judges was repealed by the Thirty-eighth General Assembly in 1919 and nomination by judicial convention was adopted.¹⁴⁴

¹⁴³ *Proceedings of the Iowa State Bar Association*, Vol. VI (1900), pp. 56, 162, 163, Vol. VII (1901), pp. 108, 220; *Laws of Iowa*, 1907, Ch. 51.

¹⁴⁴ *Proceedings of the Iowa State Bar Association*, Vol. XVIII (1912), pp. 145, 194-196, Vol. XX (1914), pp. 178, 186, 202, Vol. XXI (1915), pp. 223, 225; *Laws of Iowa*, 1913, Ch. 104, 1919, Ch. 63.

MUNICIPAL GOVERNMENT

Certain proposals relating to municipal government have claimed consideration. The Association in 1901 made the following recommendations: that each city be made a civil township; that contractors' bonds given to cities be conditioned for the benefit of material men and laborers, a provision since enacted into law by the Thirty-eighth General Assembly; that after the bids are opened city councils have the liberty of determination as to the materials to be used for paving; for more liberty to cities of the second class in relation to the purchase of waterworks. The proposal for the appointment of waterworks trustees by the mayor instead of by the courts was rejected. The vote of rejection was in response to strong appeals to keep the appointment of trustees for waterworks out of politics.¹⁴⁵

A proposal relating to municipal government was submitted at the session of the Association in 1903, and its consideration was postponed until the next regular session.¹⁴⁶ In 1904 it was accordingly resubmitted and adopted as a recommendation of the Association as follows:

That the municipal government of cities of Iowa should be vested in a council of three aldermen, whose term of office should be three years, after the first council the members of which should serve respectively one, two and three years, to be determined by lot; thereafter one alderman to be elected annually; such aldermen in all cases to be elected by a vote of the whole city, and vacancies to be filled by special elections, such councils to be vested with all the present powers of city councils, and to elect one of their number as mayor to exercise all the duties of mayor, as defined by law; such aldermen to be paid from two thousand to five thousand dol-

¹⁴⁵ *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 116, 120, 131, 132-134; *Laws of Iowa*, 1919, Ch. 347; *Code of 1924*, Secs. 10304, 10319-10323.

¹⁴⁶ *Proceedings of the Iowa State Bar Association*, Vol. IX (1903), pp. 60, 61, 64, 179.

lars per year depending upon the class of the city, with additional compensation to the mayor; all to be fixed by law; the said aldermen and mayor to devote their entire time to the discharge of their duties. "That the statutes of Iowa should be amended accordingly".

The Association by this recommendation anticipated the commission plan of city government, first legally established in Iowa in the "Des Moines plan" in 1907.¹⁴⁷

SOCIAL REGULATION PROPOSITIONS

Among the propositions for recommendation to the legislature which have been submitted to the Iowa Bar Association, there have been many relating to the regulation by law of various social questions. The Association in 1905 adopted a report recommending the appointment of a committee to coöperate with others relative to the matter of proper amendments to the juvenile court law. The next year this committee submitted a very full report to the Association recommending that the Bar Association express its approval of the purposes and objects to be attained by juvenile courts and pledging support in all legislation for perfecting and enacting laws giving jurisdiction and adequate procedure to control juvenile offenders. This report was adopted by the Association. Since then the Iowa juvenile court acts have been progressively amended and improved.¹⁴⁸

A resolution against the proposed child labor amendment to the Federal Constitution was introduced before

¹⁴⁷ *Proceedings of the Iowa State Bar Association*, Vol. IX (1903), pp. 60, 61, 64, 179, Vol. X (1904), pp. 59, 60, 98, 129-134; *Laws of Iowa*, 1907, Ch. 48; Shambaugh's *Commission Government in Iowa: The Des Moines Plan in The Annals of the American Academy of Political and Social Science*, Vol. XXXVIII, p. 30.

¹⁴⁸ *Proceedings of the Iowa State Bar Association*, Vol. XI (1905), pp. 145, 146, Vol. XII (1906), pp. 144-150; *Laws of Iowa*, 1904, Ch. 11; *Supplement to the Code of Iowa, 1913*, Title III, Ch. 5-B; *Code of 1924*, Secs. 3605-3684.

the Association, the proposed resolution instructing the legislative committee of the Association to use every effort to prevent ratification of such child labor amendment by the legislature. This resolution was laid on the table. In the Forty-first General Assembly, the House indefinitely postponed consideration of the proposed child labor amendment.¹⁴⁹

A proposal recommending the adoption of an employers' liability law and a workingmen's compensation act was brought before the Association, and at the same session Governor John Burke, of North Dakota, gave an address on the subject, "Employers' Liability and Workingmen's Compensation Acts." Due to lack of time for consideration, the matter was postponed until the next annual meeting. The ensuing legislature of Iowa enacted an Employers' Liability and Workingmen's Compensation Act.¹⁵⁰

The Association twice unanimously adopted the proposal recommending legislation imposing penalties upon a married man for desertion and failure to support his family without just cause. This proposal was enacted into law by the Thirty-second General Assembly.¹⁵¹

The question of regulation of marriage has come before the Association for consideration. In 1902 it recommended the appointment of a committee to consider the matter of limiting the propagation of species by persons of feeble mind. After vigorous discussion a resolution was adopted in 1903 expressing the Association's approval of such changes to be made in the law as should prevent the mar-

¹⁴⁹ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 202-205; *Journal of the House of Representatives*, 1925, p. 591.

¹⁵⁰ *Proceedings of the Iowa State Bar Association*, Vol. XVII (1911), pp. 123, 156-183, 186, 187; *Laws of Iowa*, 1913, Ch. 147.

¹⁵¹ *Proceedings of the Iowa State Bar Association*, Vol. VI (1900), pp. 56, 57, Vol. XII (1906), pp. 79, 81, Vol. XIII (1907), p. 68; *Laws of Iowa*, 1907, Ch. 170.

riage of persons morally, mentally, or physically degenerate. Certain proposals were referred back to the Committee on Law Reform to be reported on the next year, to the effect that the clerk of the district court be prohibited by law from issuing a marriage license permitting the marriage of any person known to him or whom he has reasonable grounds to believe to be of weak or unsound mind, subject to such person's right of appeal to the district court, and proposing a penalty to be imposed upon any person who aids in procuring the marriage of any such person. Accordingly in 1904 the committee reported to the Association for its consideration a proposed act regulating marriage and prohibiting marriage by or with persons afflicted with imbecility, feeble-mindedness, epilepsy, or insanity and prescribing penalties to be imposed upon persons violating its provisions. The proposed act was similar to the provisions of the Minnesota law. It was vigorously discussed, amended, and finally adopted by the Association. The Fortieth General Assembly at its extra session enacted a prohibition upon the granting of a marriage license where either party is an idiot, imbecile, insane, or under guardianship as an incompetent. In 1925 provision was made to furnish each clerk of the district court with a list of persons to whom marriage licenses should not be issued.¹⁵²

Several propositions pertaining to the regulation of divorce procedure have come before the Association. It has four times adopted a proposal to the effect that the testimony in every action for divorce, whether contested or not, shall be taken down by the official shorthand reporter and his notes shall be duly certified, filed, and made of record in the case. Even in the absence of legislation it has been the

¹⁵² *Proceedings of the Iowa State Bar Association*, Vol. VIII (1902), pp. 87, 88, 89, Vol. IX (1903), pp. 61, 64-71, 171, Vol. X (1904), pp. 61-66, 92, 93; *Code of 1924*, Sec. 10429 (5); *Laws of Iowa*, 1925, Ch. 187.

custom in many districts of the State to have the shorthand reporter take down the oral evidence in every divorce case and to certify and file the notes of record.¹⁵³

Measures have been proposed for the prevention of easily secured divorces. The Association recommended that the legislature should pass an act providing for the appearance of an attorney on the part of the State in every divorce case wherein a decree may be taken by default. However a later proposal that the court must appoint an attorney to investigate on behalf of the State and report to the court in every uncontested divorce case, with an attorney fee to be taxed as costs in the case, was laid on the table. A subsequent proposal for legislative enactment of a measure whereby an inquiry in respect to the merits of plaintiff's claim in uncontested divorce cases may be judicially made, to the end that loose and easy divorces, and those without merit may be prevented, was adopted in 1915. The Association rejected a proposal that a preliminary decree should be entered in divorce proceedings, either granting or refusing a divorce, such decree not to be operative until confirmed by a final decree to be entered six months from the date of the preliminary decree. The statute prohibits remarriage of either party divorced within a year from the filing of the divorce decree, except to each other, unless permission be granted for remarriage in the decree. The larger aim of the law reform activities of the bar is not directed toward the solution of either social or economic problems in general, but primarily toward the reform of the law facilitating the improvement of the administration of justice and equity. However, the bar has devoted considerable attention toward the proper regulation by law

¹⁵³ *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), pp. 79, 92, 93, 94, 163-171, Vol. XIII (1907), pp. 69, 74, Vol. XIV (1908), p. 105, Vol. XVI (1910), pp. 133, 134-140.

of some phases of large public concern in various socio-economic matters.¹⁵⁴

ECONOMIC PROPOSITIONS

Occasionally consideration is given by the Association to proposed measures of reform relating to problems of an economic nature. Such consideration is, in general, given only to such economic questions as affect the public interest and welfare. The Association unanimously recommended that the legislature enact forthwith a public utility commission law. While no public utility commission has been created for the State, the Iowa law gives cities and towns very extensive powers in relation to the regulation of heating plants, waterworks, gasworks, and electric light or power plants, including the regulation of rates and service.¹⁵⁵

After vigorous discussion in which the Association expressed by vote its stand in favor of considering questions "to promote reform in the law" in a broad sense without limitation and not to be confined to proposals affecting methods of procedure, administration, and practice of law, a recommendation to the legislature regarding banking was adopted. This recommendation was that the legislature should provide by law that all private banks doing business in the State of Iowa should be subject to the same examination and control as State and savings banks. Its adoption after strong opposition was a culmination of a struggle beginning at the preceding session in which a similar proposal had been submitted and referred back to the Com-

¹⁵⁴ *Proceedings of the Iowa State Bar Association*, Vol. XV (1909), pp. 125-133, Vol. XVI (1910), pp. 134, 140-144, Vol. XIX (1913), pp. 221, 230, Vol. XX (1914), pp. 186, 202, Vol. XXI (1915), pp. 223, 225, Vol. XXVIII (1922), pp. 89, 91-93; *Code of 1924*, Sec. 10484.

¹⁵⁵ *Proceedings of the Iowa State Bar Association*, Vol. XXIV (1918), pp. 89, 91-98; *Code of 1924*, Secs. 6127-6143.

mittee on Law Reform. In harmony with the object of the recommendation, although not going to its extent, the Thirty-eighth General Assembly enacted a law prohibiting any additional private banks.¹⁵⁶

Considerable discussion formerly prevailed relating to the question of the enforceable financial responsibility of fidelity bonding companies. In 1906 the following recommendation was adopted: "That it is the sense of this association that we should have adequate legislation providing for a deposit of money by corporations or bonding companies tendering surety bonds, which shall be held by the auditor of state subject to execution upon judgments rendered in this state."¹⁵⁷

The question is agitated from time to time as to whether too large release from financial obligation is afforded by the Iowa laws of homestead rights and personal property exemptions. In reference to the matter of sale of real property for taxes, the Association recommended an amendment to the law providing that in all cases wherein the homestead is listed separately as a homestead, it should be liable only for that part of the taxes on it separately. The proposal was tabled that our statutory homestead and personal property exemptions from execution be changed from the present quantity measure to a value measure. A proposal that the law now exempting wages from execution be amended so as to allow a certain per cent of his wages to be taken in payment for necessities supplied to the debtor's family was rejected.¹⁵⁸

¹⁵⁶ *Proceedings of the Iowa State Bar Association*, Vol. XIV (1908), pp. 106-109, 162-165, 167, 168, Vol. XV (1909), pp. 125-133; *Laws of Iowa*, 1919, Ch. 236; Preston's *History of Banking in Iowa*, pp. 163-168.

¹⁵⁷ *Proceedings of the Iowa State Bar Association*, Vol. XII (1906), pp. 113-118.

¹⁵⁸ *Proceedings of the Iowa State Bar Association*, Vol. IX (1903), pp. 60, 63, Vol. XI (1905), pp. 58, 60, 71, Vol. XXVIII (1922), pp. 117, 118; *Code of 1897*, Sec. 1423; *Code of 1924*, Sec. 7253.

The Torrens system of land transfers was considered in 1895 in the report of the Special Judicial Committee in the first session of the Iowa Bar Association, but further consideration of the report was deferred for the session. In 1913 a special committee was created to report at the next annual meeting upon the Torrens land system, or other similar systems of land titles, in order to simplify and make less expensive the transfer of land titles. A committee was appointed, headed by O. P. Myers, of Newton.¹⁵⁹ In 1914 Mr. Myers presented before the Association the report of the committee in a paper entitled, "The Torrens Land Title System", from which the following quotation is extracted:

The Torrens Land Title System was first drafted into law about 1857, by Sir Robert Torrens, in Australia. It is in use in several British Colonies, including parts of Canada. In the language of the Supreme Court of Minnesota, "The basic principle of this system is the registration of the title of the land, instead of registering, as the old system requires, the evidence of such title. In the one case only the ultimate fact or conclusion that a certain named party has title to a particular tract of land is registered, and a certificate thereof delivered to him. In the other the entire evidence (deeds, mortgages, etc.) from which proposed purchasers must, at their peril, draw such conclusions, is registered."

The essential feature of the Torrens System, therefore, appears to be the creation and recognition of an official, conclusive, indefeasible, registered certificate of title — under governmental guaranty.

We will not refer to the workings of this system in foreign lands, because the many different constitutional questions arising in the United States would render such reference of little use. Under English Governments, it appears, they do not have specific constitutions to bother them; and most of their officers can act judicially or otherwise, apparently, without troubling themselves about differ-

¹⁵⁹ *Proceedings of the Iowa State Bar Association*, Vol. I (1895), p. 78, Vol. XIX (1913), pp. 171, 233, Vol. XX (1914), pp. 73-84.

ent departments, and with or without any notice or presence of parties; and their acts bind the whole world. But it is different with us.¹⁶⁰

Mr. Myers presented the further report of the committee in three sections. The first section lists the main evils requiring remedy under our present land recording system. The second section deals with a brief description and application of the Americanized Torrens system stating the steps in the proceedings thereunder to be, in general, as follows: an application made by the owner to the court; examination of title by an official examiner; due notice given; trial had, decree, and certificate registered with right given of appeal; certificate prima facie within certain time, and thereafter conclusive as to all matters therein; subsequent transfers effected by bringing new deed and old certificate to registrar, who cancels the old and issues new certificate; a guaranty fund provided to indemnify losses. The third section of the committee's report makes concrete recommendations, prominent among which certain features are as follows: that abstracters should be bonded, and that their liability should run with the land; requirement of State supervision and examination of conveyancers, surveyors, abstracters, and recorders; official quieting title suit, wherein final decree, after due process and time limitations, should be indefeasible; thorough examination of the initial registration part of the Torrens statutes as suitable basis for such quieting title suit; and that the Association urge upon the attention of the General Assembly of Iowa the appointment of a commission to fully investigate the entire subject and to formulate a suitable bill with reference thereto. The report and the final recommendations of this committee providing for cer-

¹⁶⁰ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 74, 75.

tain changes in the laws concerning the recording of land titles were adopted by the Association.¹⁶¹

The committee to investigate the Torrens or other land title system further reported to the Association in 1915, calling attention to bills introduced in both houses of the Iowa legislature in behalf of a modified Torrens land title statute. These, however, did not become law, and the committee urged further activity of the Association in this direction and recommended the continuance of the committee for further report. This recommendation was adopted and the committee again reported in 1916. This report is very thorough and scholarly, dealing with the whole subject under the following heads: main evils of our present land title system; methods of remedy; suggestions as to common objections; and finally a recommendation that a "Torrens Constitutional Amendment" be adopted in the State of Iowa. This report was received and ordered printed and the committee continued. The committee in 1918 made no further report, but called attention of members to the fact that in 1916 the American Bar Association had adopted a Uniform Registration Act, which is the modified Torrens Land Title System, and also that several States had recently adopted Uniform Registration Acts.¹⁶²

The Association indorsed a resolution recommending that the Iowa road laws be so amended as to permit the cost of building hard surfaced roads to be assessed equitably in accordance with the special benefits to be derived from the improvements made; that the special assessment road improvement district be adopted in Iowa; and that the creation of a State fund from present taxes with which to aid the

¹⁶¹ *Proceedings of the Iowa State Bar Association*, Vol. XX (1914), pp. 149-152.

¹⁶² *Proceedings of the Iowa State Bar Association*, Vol. XXI (1915), pp. 170-173, Vol. XXII (1916), pp. 170-184, Vol. XXIV (1918), p. 203.

counties in road construction would be a beneficial measure. In general, the objectives of these recommendations have been attained through subsequent enactments of the Iowa road laws.¹⁶³

The Association has long been interested in the investigation of taxation and in the equitable adjustment of its burdens. The Special Judicial Committee in its report at the first meeting of the Association called attention to the whole subject of assessment and taxation as deserving of consideration. As early as 1900 the Association adopted a recommendation of the Committee on Law Reform as follows: "We recommend that this Association create a section, to be known as the 'Section on Taxation'; said section to be permanent, and to gather facts touching the method of levying and collecting taxes, and to report to this Association from time to time such changes, if any, as may be deemed necessary to secure a fair and equitable assessment of all property subject to taxation, to the end that the public burdens may be properly apportioned among the individuals, firms and corporations having property subject to taxation; and that a committee be appointed to formulate a plan of organization for such section." Such a committee was accordingly appointed, consisting of R. M. Haines of Grinnell, E. M. Carr of Manchester, and M. J. Wade of Iowa City.¹⁶⁴

The "Committee on Organization of Section of Taxation" first reported in 1901 in a paper read before the Association by R. M. Haines of Grinnell. The report is a good summary of the problem of taxation in 1901 and is replete with statistics for Iowa. This report as adopted by the As-

¹⁶³ *Proceedings of the Iowa State Bar Association*, Vol. XXI (1915), pp. 221, 222; *Laws of Iowa*, 1919, Ch. 237, 1923, Ch. 85; *Code of 1924*, Chs. 241, 242, especially Secs. 4690, 4707.

¹⁶⁴ *Proceedings of the Iowa State Bar Association*, Vol. I (1895), pp. 78, 79, Vol. VI (1900), pp. 56, 152-154, 164, Vol. VII (1901), p. 169.

sociation carried the following recommendations: (1) that the section consist of six members, each to serve for three years, with first appointments of two to serve for one year, two to serve for two years, and two to serve for three years; (2) that the section organize by the election of a president, vice president, and secretary; (3) that the section meet annually in connection with the Association; (4) that this section be authorized to expend funds as necessary for investigation, by the concurrent action of the president of the section and the president of the Association; (5) that there be at least one session of the proceedings of the Association at the annual meetings devoted to the work of this section. This report was referred to the Committee on Constitution and By-Laws which brought in a report creating the Section on Taxation, and this rule was adopted without debate into the By-Laws of the Iowa Bar Association.¹⁶⁵

R. M. Haines of Grinnell addressed the Association in 1904, advocating the exemption of moneys and credits from taxation, and proposed that a committee of three be appointed with instructions to prepare and report to the Association at its next meeting a bill for the purpose of reforming the taxation system and embodying the general proposition which had been under consideration. This motion was adopted.¹⁶⁶

At the 1905 meeting of the Association, a bill was submitted by the Section on Taxation providing for the exemption from taxation of moneys and credits. Judge C. C. Nourse moved that the Association do not recommend this bill, and after full discussion the Association adopted this motion, thus rejecting the proposed bill. By a law enacted by the

¹⁶⁵ *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 135-141, 169, 170, 199, 200.

¹⁶⁶ *Proceedings of the Iowa State Bar Association*, Vol. X (1904), pp. 135-138.

Thirty-fourth General Assembly, moneys and credits are taxed upon uniform basis throughout the State of five mills on the dollar of actual valuation, to be assessed and collected where the owner resides.¹⁶⁷

The service of the Section on Taxation has continued ever since its formation. A special feature of its work has been in securing the presentation before the Association of several valuable papers on subjects relating to taxation.¹⁶⁸ These papers were the product of considerable research and investigation on the part of the writers, and have proved interesting as well as valuable. R. M. Haines, of Grinnell, presented the subject, "The Tax Ferret and the Tax Ferret's Law" in 1901. He introduced the program of the Section on Taxation at the annual meeting in 1902, at which several interesting papers were presented. H. S. Richards, of Iowa City, treated the subject, "Ought Our Laws Be so Amended as to Exempt from Taxation, Moneys and Credits and Other Forms of Property Easily Concealed?" This paper was followed by a discussion led by James O. Davis, of Keokuk. A. E. Swisher, of Iowa City, presented the subject, "Should the Law Providing for the Collection of Taxes be Changed so as to Enforce by Additional Penalty, or Partial Confiscation, the Assessment of Moneys and Credits Which Now Escape Taxation?" This paper gave consideration to the tax ferret law; it made several recommendations for solution of taxation problems, and was followed by an interesting discussion led by Judge M. J. Wade. E. E. McElroy, of Ottumwa, presented a paper entitled, "Would the Adoption of a Law for the Taxation of Mortgages and Relieving the Real Estate Covered by Mortgages from so much of the Burden of Taxation Be Desirable?"

¹⁶⁷ *Proceedings of the Iowa State Bar Association*, Vol. XI (1905), pp. 147-191; *Laws of Iowa*, 1911, Ch. 63.

¹⁶⁸ *Proceedings of the Iowa State Bar Association*, Vol. VII (1901), pp. 152-157, Vol. VIII (1902), pp. 89, 90-119, 181-188, 211, 218.

In 1905 Mr. Haines presented a paper entitled, "Statistical Data from Official Reports", dealing largely with the question of the taxation of moneys and credits. Mr. McElroy read a paper entitled, "Double Taxation—Some Remedies Attempted". This paper was followed by one on the subject, "Are Moneys and Credits Appropriate Objects of Taxation?" by F. I. Herriott, Professor of Economics and Political Science, of Drake University, Des Moines. At the conclusion of this paper there was a discussion of the issues involved, after which the Association rejected the bill for the exemption from taxation of moneys and credits.¹⁶⁹

At the 1913 meeting of the Association, J. H. McConlogue reported briefly for the Section on Taxation showing that the legislature had appointed a commission to study taxation. This commission had investigated the tax laws of the several States and had submitted to the legislature a plan of levying and collecting taxes. In 1915, Mr. McConlogue reported that a bill on taxation had been introduced in the legislature, but was defeated in the Senate. In 1916 the Section on Taxation submitted a formal report going to the heart of the matter of taxation reform in Iowa. It recommended "that all of the present laws on the statute books governing the whole plan of taxation together with all officers doing the work of listing, assessing, and valuing of property for taxation be abolished, that a new and independent system of taxation, whereby property may be listed, assessed, valued, and equalized with all other property, be established and that new and complete administrative machinery be installed in our law to carry out fully the suggestions herein made". The Section submitted six paragraphs of concrete suggestions outlining the pro-

¹⁶⁹ *Proceedings of the Iowa State Bar Association*, Vol. XI (1905), pp. 148-191.

posals for a modern system of taxation for Iowa, and suggested the appointment of a special committee to draft and present appropriate bills to the next legislature. This report was accepted and filed, and a special committee was created to consider the matter.¹⁷⁰

In its report in 1920, the Section on Taxation recommended that a committee be appointed by the president of the Association to present the matter and endeavor to have the next General Assembly of Iowa provide for the appointment of a commission to investigate the subject and prepare and present to the General Assembly in 1923 a bill embodying a modern, adequate, and equitable system of general taxation for the State and its taxing districts. This revised system of taxation should, in the judgment of such commission, be fair, just, and equitable to all persons and concerns affected. The proposed revision was to deal with: (a) the method or basis of levying and collecting all general and special taxes and assessments; and (b) the procedure relative to objections, hearings, equalizations, appeals, and reviews, on the part of the taxpayers in such matters. This report was adopted by the Association.¹⁷¹

The report of the Special Legislative Committee on Taxation to the Association in 1921 showed that the Thirty-ninth General Assembly had substantially enacted into law the recommendations contained in the report of the Section on Taxation in 1920. This new law provided for the appointment of a special joint committee of eight members, four from each house. This committee was to investigate and report upon the revision of the taxation laws of the State, to examine and consider such bills for general re-

¹⁷⁰ *Proceedings of the Iowa State Bar Association*, Vol. XIX (1913), pp. 56, 57, Vol. XXI (1915), p. 227, Vol. XXII (1916), pp. 87-93.

¹⁷¹ *Proceedings of the Iowa State Bar Association*, Vol. XXVI (1920), pp. 173, 174.

vision of the tax laws as had been prepared by the Code Commission or introduced into the Thirty-ninth General Assembly, and to prepare such bills for acts to amend and revise the assessment and taxation laws as should provide adequate and fair means and methods of assessment and equalization and distribute the burdens of taxation fairly and equitably, and to submit bills and report to the next legislature.¹⁷²

Thus the matter of investigation and reform of taxation laws so long presented, studied, and advocated in the Iowa State Bar Association, culminated in the creation of a legislative tax commission to carry on this work. It is a long process and an arduous undertaking, but the difficulties themselves will serve to contribute to the popular understanding of the necessity of such reform. And in measure as the people understand and approve revision of the law, the legislature will respond toward the eventual enactment of reform upon the statute books. Perhaps the most advanced step that can be taken in the progress of any law reform project is the creation of an efficient commission to make a systematic and comprehensive investigation and study of the entire subject, to the end that proposed progress may be broadly based upon sound and scientific premises.

In this review a survey has been afforded of the history of the Iowa State Bar Association and its law reform proceedings during the entire half century from the time of its first establishment as the Early Iowa State Bar Association in 1874 down to the present time. From this survey there is revealed on the part of the Bar Association of Iowa

¹⁷² *Proceedings of the Iowa State Bar Association*, Vol. XXVII (1921), pp. 157, 158; *Laws of Iowa*, 1921 Ch. 411.

an open minded policy toward matters of proposed reform in the law. Numerous propositions have been considered. The Association has gone on record in its proceedings in its indorsements and rejections. It has preserved in this record the discussions and debates, affording opportunity of an impartial consideration of the merits of proposals and the reasons for the attitude of the Bar toward them. Perhaps the greatest value of such meetings, however, is found in the opportunity given for the free discussion of various problems. Whether the reforms proposed at the Bar Association meetings are adopted or rejected by the Association, they are at least given a hearing and publicity and that is of itself a valuable service.

The Association, however, has not hesitated to assume responsibility for its action. It has upheld to the profession and to the public the high ideals of a clean, well qualified bar, ethical standards, and honorable public service. In the matter of law reform it has taken the most advanced step yet taken within the State of Iowa. The Iowa State Bar Association at its 1924 session indorsed a proposal to the Iowa legislature for the creation of a commission from the bench, active practitioners, and faculties of the law schools of the State, to investigate and study the advanced systems of judicature of the nations of the world with a view to scientific law reform in Iowa.¹⁷³

The Iowa Bar is abreast of the times in the matter of interest in professional movement looking toward the ultimate reform of legal institutions and law. This was instanced in 1925 in the appearance before the Association of Henry M. Bates, Dean of the Law Department of the University of Michigan. The subject of his address was "The American Law Institute and Its Probable Influence Upon

¹⁷³ *Proceedings of the Iowa State Bar Association*, Vol. XXX (1924), pp. 132-145.

the Administration of Justice''. In concluding his address Dean Bates said:

We have no imperial authority back of us; there is no emperor to back this as a code; we don't want it, for very obvious reasons, to take on the form of an edict or a statute. The thing must win its way by its own superiority, its own scholarship, its own sound reasoning and wisdom Now the American Bar, at least the Association, has formally adopted this scheme. The Institute is its creation. It is its creation for the purpose of carrying on the work which the American Bar, or at least the American Bar Association, has demanded and defined, and it is up to you men and all other American lawyers, if you believe in this thing, and I believe you do, to use every ounce of your strength if necessary to support what is certainly the greatest juristic movement of all times.¹⁷⁴

The American Law Institute proposes to make a complete, clear, and simple restatement of all the law from the standpoint of principles of justice as opposed to precedent. It is a colossal undertaking requiring many years and the coöperation of many minds to complete it.

JAMES R. McVICKER

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

¹⁷⁴ *Proceedings of the Iowa State Bar Association*, Vol. XXXI (1925), pp. 180-192.

THE MILITIA UNDER THE CONSTITUTION OF IOWA

The Constitution of the United States fully recognizes the right of the various States to maintain an organized militia, although the authority to declare war is reserved to the Federal government. The recognition of this important right of the States was largely to give them greater power in the regulation and control of their own domestic affairs and to provide protection in case of invasion or insurrection. The second amendment added to the Federal Constitution specifically states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The expression, "militia", is a general term used to designate those persons who, under the law, are subject to military duty. Under the Constitution of the United States, the State militia may be employed to maintain domestic tranquility, and to enforce obedience to the laws of the State. All of the States have statutory provisions pertaining to the organization and discipline of the militia.¹

Under the Organic Act of Iowa, the Governor was the commander-in-chief of the militia of the Territory,² and had the power and authority to place military rule above civil rule or power. This fact made his office a rather independent and important position. Besides being commander-in-chief of the militia, it was his power and duty to "commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care

¹ McClain's *Constitutional Law in the United States*, pp. 188, 189.

² *Laws of the Territory of Iowa, 1838-1839*, p. 32, Sec. 2.

that the laws be faithfully executed.”³ It was understood, however, that the power of the Governor to declare martial law except under temporary conditions arising from necessity should not be exercised. The right to determine when military power should be exercised lay, however, in the discretion of the Governor, and thus he was placed in a position of almost unlimited power and authority, so far as the fundamental law of the Territory was concerned.

THE MILITIA UNDER THE CONSTITUTION OF 1844

Among the standing committees of the Constitutional Convention of 1844 was the Committee on the Militia System. As members of this important committee, Shepherd Leffler, the president of the convention, appointed Francis Gehon, Ebenezer Cook, James H. Gower, Andrew Hooten, Sulifand S. Ross, Lyman Evans, and John Ripley.⁴ Four of these members were farmers, one a lawyer, one a miller, and one a merchant; five had come from distinctly northern States and two from States of the twilight zone, Kentucky and Tennessee; all were thirty-four years of age or over, their average ages being forty-six and three-sevenths years; all had been in Iowa at least four years, and all except Mr. Cook, who was a Whig, belonged to the Democratic party.⁵ This group of men, coming from no less than six different States of the Union, was to draw up an article on the militia, which in their combined judgment would best suit the needs of the proposed Commonwealth.

The report of this select committee was made by Francis Gehon, their chairman, on Tuesday morning, October 15, 1844. As presented the report read:

³ *Laws of the Territory of Iowa, 1838-1839*, p. 32, Sec. 2.

⁴ *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, pp. 15, 30.

⁵ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 408-410.

1. The Militia of this State shall be composed of all able bodied white male persons, between the ages of eighteen and forty-five years, except such persons as are, or may hereafter be exempted by the laws of the United States or of this State.

2. The Legislature shall provide by law, for organizing, equipping and disciplining the militia of this State, in such manner as may seem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

3. All commissioned officers of the militia, (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

4. The Governor shall have power to call out the militia to execute the laws of the State, to suppress insurrection and repel invasion.

In accordance with the usual procedure this report following its first reading was laid upon the table for future consideration, and one hundred and fifty copies of the same were ordered to be printed.⁶ On the Friday afternoon following, it was taken up for discussion. Elisha Cutler, Jr., moved to amend section one, specifying who shall constitute the militia, by adding the word "the" after the word "all" in the phrase, "The Militia of this State shall be composed of all able-bodied White male persons". This proposal, being largely a matter of taste, received the approval of the delegates.

George Hepner then proposed to amend section two, providing for the organization and discipline of the militia, by striking out the words, "in such manner as may seem expedient, not incompatible with the Constitution and laws of the United States in relating thereto", and substituting therefor the following: "*Provided*, the Legislature may make laws to exempt persons in time of peace from military duty, as they may deem advisable, requiring those exempted to pay an equivalent for such duty in money or other

⁶ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 51, 52.

public services." The idea embodied here of relieving persons who had conscientious scruples against bearing arms was not accepted in the form offered by Mr. Hepner, the vote upon his proposal being twenty-two for and forty-two against the amendment.

Samuel Whitmore then proposed to reduce the maximum age limit from forty-five to forty years, but his amendment also was defeated.⁷ Immediately following the defeat of Mr. Whitmore's amendment, J. C. Hall offered to amend section one by adding the provision, "so that the Legislature should not exempt any person on account of public services." Mr. Hall had observed the evil of exemption, for he lived in a county where two-thirds of the population belonged to a class that was exempted.

Jos. C. Hawkins objected to any such proposition as that offered by Mr. Hall, for in his own opinion persons having religious scruples against bearing arms should be exempted in times of peace, but in time of war all should be subject to the same laws and regulations, and placed upon an equal footing so far as bearing arms was concerned.

Further discussion ensued, after which Mr. Hall withdrew his proposition and offered the following section as a substitute:

No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace; *Provided*, That such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

This substitute was agreed to by a vote of fifty-seven for and nine opposed. The adoption of this substitute as a new section increased the number of sections of the Article on Militia from four to five, and changed the numerical order of all sections following the first. The report was then

⁷ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, p. 85.

ordered to be engrossed and read for a third time on the following day.⁸

Eleven days later, on October 29th, James Grant, chairman of the Committee on Revision, read the report of this committee, which recommended striking out section five which read: "The Governor shall have power to call out the militia to execute the laws of the State, to suppress insurrection and repel invasion." The Committee on Revision pointed out that section six in the report of the Committee on the Executive Department contained practically the same power. This section, which became section five in the Constitution, read as follows: "The Governor shall be commander-in-chief of the militia and of the army and navy of this State." There was no need for a double provision for the accomplishment of the same end and the proposition to strike out section five of the proposed Article on the Militia was concurred in by the Convention.⁹

During the afternoon session of Tuesday, October 29th, the Article on the Militia was taken up, read a third time and passed by the Convention. In its completed form the article read:

Of the Militia

1. The Militia of this State shall be composed of all able bodied white male persons between the ages of eighteen and forty-five years, except such persons as are, or may hereafter, be exempted by the laws of the United States or of this State.

2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace: *Provided*, That such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

⁸ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 85, 86, 158; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 66, 67.

⁹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 24, 25, 52, 158, 163.

3. The Legislature shall provide by law for organizing, equipping, and disciplining the militia of this State, in such manner as they deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

4. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.¹⁰

The Article on Militia in the Constitution of 1844 never became the fundamental law of Iowa, for the Constitution having been twice submitted to the people was twice rejected by them.

THE MILITIA UNDER THE CONSTITUTION OF 1846

The organization of the Convention of 1846, which met at Iowa City on May 4, 1846, for the purpose of revising the Constitution of 1844, did not provide for a standing or special Committee on the Militia, but on the eighth day of the Convention's sitting Wm. G. Coop, farmer, and Representative from Jefferson County, obtained leave to make a report concerning the militia. His report entitled "Militia" contained three sections, the second and third of which corresponded with the second and fourth sections of the Article on the Militia in the Constitution of 1844. The first section of Mr. Coop's report read:

1. The Militia of this State, shall be composed of all able bodied white male persons between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this State, and shall be armed equipped and trained as the General Assembly may by law provide.¹¹

This section added to the provisions in section one of the

¹⁰ *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, pp. 167, 198, 199.

¹¹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1846*, p. 70; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 413-415.

Article on the Militia in the Constitution of 1844 the statement that the militia shall be armed, equipped, and trained as the General Assembly may provide. The report having been read for the first time the usual number of copies were ordered to be printed.¹²

On Thursday, May 14th, the report was read a second time, and taken up for consideration. Wm. Hubbell, a merchant from Jackson County, proposed to strike out sections two and three of the report, and to substitute the following sections:

2. Major Generals shall be elected by the Brigadier Generals and field officers of their respective divisions; Brigadier Generals shall be elected by the field officers, and commissioned company officers of their respective brigades; field officers shall be elected by the officers and privates of their respective regiments; and captains and subaltern officers shall be elected by those subject to military duty in their respective companies.

3. The Governor shall appoint the Adjutant General, and other members of his staff. Major Generals, Brigadier Generals, and commanders of Regiments, shall respectively appoint their own staff.

4. The Governor shall have power to call out the militia, to execute the laws of the State, to suppress insurrection, and repel invasion.

When this proposition was submitted to the Constitutional Convention it was rejected, the vote being four for and nineteen against adoption.

Samuel W. Bissell then moved to strike out the same two sections and to insert the word "organized" between the words "be" and "armed" in line four of section one. This motion also was decided in the negative. Following this rejection, Alvin Saunders offered to strike out the second section, but his proposal was likewise rejected. On motion

¹² *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1846*, p. 70.

of Stephen B. Shelledy the Article on Militia was then ordered to be engrossed and referred to the Committee on Revision.¹³

The Committee on Revision reported the article back without change on Saturday afternoon, May 16th. At this time Socrates H. Tryon moved to amend section one, which specifies who shall constitute the militia, by striking out the word "persons" and inserting the word "citizens" in its place. This motion was adopted, and shortly after the Article on Militia was read a third time and passed.¹⁴ As thus incorporated into the revised or new Constitution of 1846 it read:

Militia

1. The Militia of this State shall be composed of all able bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace; provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.¹⁵

This Constitution when submitted to the people was ratified by a small majority and remained the supreme law of the Commonwealth until superseded by the Constitution of 1857.

¹³ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, pp. 84, 86, 87.

¹⁴ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, pp. 101, 102.

¹⁵ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, p. xiv.

THE MILITIA UNDER THE CONSTITUTION OF 1857

The final organization of the Constitutional Convention of 1857 resulted in the appointment of twelve standing committees of five members each. Sixth in the order of their appointment was the Committee on Militia. Harvey J. Skiff, a banker from Newton, Iowa, was appointed chairman of this committee, and George Gillaspy, Jeremiah Hollingsworth, J. C. Hall, and William Patterson as members. Of the twelve standing committees, this was the only one with a majority of Democrats. The chairman, however, as in all of the other standing committees, belonged to the Republican party.¹⁶ One week later, on January 28th, Mr. Gillaspy moved that Edward Johnstone be added as a member of the Standing Committee on Militia. This motion was agreed to and thus the Democratic membership of the committee was further increased.¹⁷

The first report of the Committee on Militia was made by the chairman, Mr. Skiff, on February 20th. The report read as follows:

The Committee to whom was referred that portion of the Constitution relating to the "Militia" have had the same under consideration and have unanimously instructed me to report the same back without amendment and recommend its adoption by this Convention.

This report was laid upon the table, but was again taken up for consideration¹⁸ during the morning session of the

¹⁶ *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 25, 26; *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 4.

¹⁷ *Journal of the Constitutional Convention of the State of Iowa, 1857*, p. 69; *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 73, 74.

¹⁸ *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 226, 232; *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 628, 640.

same day. To do this it was first necessary to suspend the rules, which required the reading of a report to be on different days. This done, J. C. Traer moved to amend section one by striking out the word "eighteen" and replacing it by the word "twenty-one". The proposed change was, however, defeated. Mr. Traer's object in offering this amendment was to protect the rights of the young men, for said he: "I am opposed to compelling a man to serve in a military capacity until he is allowed the right to vote . . . I am in favor of giving them the privilege of serving in the militia, but not in favor of compelling them to do it. I am in favor of equal justice; and if we compel them to serve in a military capacity, we ought to allow them to vote."

John T. Clark, on the other hand, offered to amend the same section by striking out the minimum age requirement, "eighteen", and inserting "fifteen" in its stead. This in his judgment would make the provision "conform to the principles of Young America."

Mr. Johnstone opposed the amendment of Mr. Clark, first because he believed that a majority of the members of the Committee on Militia were in favor of substituting "twenty-one" for "eighteen", and second because there was a disposition on the part of the older delegates to prevent young men from holding offices in the State. He was therefore determined that the "old fogies" should do the fighting. This remark was followed by laughter from the delegates.

Mr. Skiff, chairman of the Committee on Militia, took Mr. Johnstone to account for saying that a majority of the committee were in favor of changing the minimum age limit, their report to the contrary notwithstanding. He said: "I hope that the word 'eighteen' will not be stricken out for any other number, for we have the wisdom of ages upon our side; we have the example of all the states of the Union. I have no desire to adopt any new course in military mat-

ters; for every one knows that innovations in military tactics are always looked upon with distrust I want those young men of eighteen to be compelled to come into the service of the country. I think the country needs their services."

The vote was then taken upon striking out the word "eighteen" and the change was not agreed to. Alpheus Scott, of Clayton County, then moved to strike the word "white" from section one, which states who shall constitute the militia. He wished to grant the people of color "the power of defending their own common country with us". Heretofore the negro has been efficient in vindicating the cause of the country and there were a number of negroes who could be put in the front ranks and greatly strengthen the militia of the State.

Rufus L. B. Clarke, of Henry County, who supported a similar amendment in regard to the Article on Suffrage, strongly opposed the proposal now in question. Addressing the Convention he said:

I think that is the only place in the constitution where that word ought to be. It is a sort of justice meted out to them in this respect; while in every other place where it exists it seems to be restrictive. They are like the young men whom it was wished to exonerate, inasmuch as they are not allowed to vote, and not allowed to be represented. I would like to have them all put in the same category. I voted to strike out "eighteen" and should have voted in favor of inserting "twenty-one." Wherever a citizen is allowed all the privileges of the community in which he lives, has the shield of the Constitution thrown around him, and the laws to protect him, he ought certainly to submit not only to contribute from his purse to the support of the Constitution and the laws, but also, at all times, to be ready to answer the call of his country, and go into the ranks to oppose the enemy. But when you take from him all these privileges, when you give him no constitutional rights, no guards, when, by your laws, you ostracize him and throw him without the pale of society, when you deprive him of all its protection,

I ask, is it right, is it just, that you should call upon him to serve in the militia, to defend that country in which you have made him an alien? You take from him all that makes the country dear to us; you deprive him of all those motives which induce others to defend their country, those influences which make them patriots; and I say it is unjust to him to call upon him to defend those institutions which have this effect upon him. I shall oppose the motion of the gentleman to strike out the word "white" from this section.

After a few further remarks of no great consequence upon the subject, a vote was taken upon the question of striking out the word "white" and it was disagreed to. The Article was then ordered to be engrossed for a third reading and referred to the Committee on Revision.¹⁹ On Wednesday evening, March 4th, the Committee on Revision reported the Article on Militia back to the Convention for its third reading, following which it was read a third time and adopted by a unanimous vote.²⁰

Thus the few changes proposed in the Article on Militia failed to receive the approval of a majority of the members of the Convention, and this important part of the fundamental law of Iowa remained the same as it was in the Constitution of 1846.

THE ARTICLE ON MILITIA AMENDED

Immediately following the close of the Civil War, the Eleventh General Assembly of Iowa adopted a series of amendments to the Constitution, the fifth among which was to amend section one of the Article on the Militia by striking out the word "white" therefrom. This would make male citizens of color subject to the same regulations in

¹⁹ *Journal of the Constitutional Convention of the State of Iowa*, 1857, p. 232; *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 640-642.

²⁰ *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 364, 370; *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, p. 1020.

regard to military service as white male citizens of the State. This amendment was favorably acted upon by both houses of the legislature in 1866 and was approved by the Governor on April 2, 1866. At the same time an act was also approved referring the proposed amendments to the next General Assembly which would convene in 1868.²¹

When the series of amendments adopted by the Eleventh General Assembly came before the Twelfth General Assembly for their consideration, amendment five relating to amending the Article on Militia was favorably received and agreed to²² and provision was made for submitting the amendments to the electorate.²³ The official sanction of the Governor to the proposed amendments was received on March 31, 1868, and on April 2, 1868, he approved the act providing for their submission to the people.²⁴

The amendments were submitted to the qualified voters at the general election held on November 3, 1868,²⁵ and the vote on the amendment to the Article on Militia was 105,515 for it and 81,050 against it. The amendment, thus adopted by a large majority, was proclaimed by Governor Samuel Merrill on December 8, 1868.²⁶

The five amendments placing the negro upon a political equality with the white population of the State were also adopted at this election, so the objection which was made in

²¹ *Journal of the House of Representatives*, 1866, pp. 186, 322-324, 643-649, 723, 724; *Journal of the Senate*, 1866, pp. 562, 563, 573, 574, 634-636; *Laws of Iowa*, 1866, pp. 106, 108.

²² *Journal of the House of Representatives*, 1868, pp. 382, 401, 405, 479, 506, 524; *Journal of the Senate*, 1868, pp. 302, 307, 316, 347, 384, 385, 418.

²³ *Journal of the House of Representatives*, 1868, pp. 489, 513, 527, 539; *Journal of the Senate*, 1868, pp. 302, 347, 385, 425, 434, 450.

²⁴ *Laws of Iowa*, 1868, pp. 93-95, 290, 291.

²⁵ *Iowa Official Register*, 1923-1924, p. 36.

²⁶ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 265-267.

the Constitutional Convention of 1857, that no one should be compelled to serve in the militia of the State who was not entitled to the privilege of voting, was thereby swept away. And by this single election many of the problems that were left unsolved by the framers of the Constitution were settled.

With only this one change, the Article on the Militia remains today a part of the fundamental law of the State, as it was incorporated in that law by the framers of the Constitution of 1846, and readopted by the members of the Constitutional Convention of 1857.

OTHER PROVISIONS OF THE CONSTITUTION RELATING TO THE MILITIA

An examination of the Constitution of Iowa shows that there are a number of provisions scattered throughout the instrument which are very closely related to the Article on the Militia, but which are not embodied in this particular division. No study of the constitutional provisions concerning the militia would be complete without a consideration of these sections although they are not directly included under this heading in the Constitution.

In the Constitution of 1844 the Article on the Executive Department, section five, read: "The Governor shall be commander-in-chief of the militia and of the army and navy of this State." This important provision was in substance made a part of the report of the Committee on the Militia of the Constitutional Convention of 1844, but owing to the fact that a similar provision had already been included in the Article on the Executive Department, the Committee on Revision recommended that this section be stricken from the report of the Committee on the Militia. The recommendation of the Committee on Revision was concurred in without dissent, and thus the Article on the Executive De-

partment in the Constitution of 1844 alone contained the provision that the Governor of the Commonwealth was to be not only the commander-in-chief of the militia, but of the army and navy as well.²⁷ Although it is a well-known fact that Iowa has no navy and that there is little probability of her ever having one, yet it is possible that the early constitution makers considered that such an undertaking might some day be necessary.

This same section making the Governor commander-in-chief of the militia and of the army and navy was later adopted by the framers of the Constitution of 1846, and still later by the Constitutional Convention of 1857.²⁸ As a part of the Constitution of 1857 it still operates today, and under its provisions the Governor has at his disposal the entire military force of the Commonwealth, both organized and unorganized, although it is not to be assumed that the Governor in time of hostilities should take actual command of the military forces. He is not primarily a military officer. As the head of the Executive Department of the government, however, the power to declare martial law, and thereby to make the military temporarily superior to the civil power, lies with the Governor. Again, in order to maintain peace and order within the State and to see to it that the laws are faithfully executed and obeyed, it is necessary that the chief executive have some means of enforcing his orders. The military is therefore a logical branch of the Executive Department, and the Governor its natural head.

Although the Constitution makes the Governor commander-in-chief of the militia, it leaves to the General Assembly

²⁷ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 24, 158, 195.

²⁸ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, p. xi; *Journal of the Constitutional Convention of the State of Iowa*, 1857, Appendix, p. 12.

the right to make laws in respect to arming, equipping, and training the militia. The power of the General Assembly in this regard is, however, subject to the military regulations prescribed by Congress.²⁹ The Governor can not by military orders disregard the rules and regulations of the General Assembly, nor can the General Assembly by the passage of laws and regulations impair the constitutional authority of the Governor as commander-in-chief.

The Constitutional Convention of 1857 adopted the following provision: "No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly: But offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster, whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative."³⁰

Similar provisions were found in the Constitutions of 1844 and 1846.³¹ All of the Iowa Constitutions have provided that officers of the militia of the State who receive no annual salary are eligible to membership and entitled, when properly chosen, to hold a seat in the General Assembly, but militia officers receiving an annual salary, however small, are disqualified from holding a seat in the General Assembly during the period for which such salary is received. The object of such disqualification no doubt is to prevent dual office holding. Provisions very similar to this, and having the same object in view, have been written into many other State Constitutions.

²⁹ Constitution of Iowa, 1857, Art. VI, Sec. 1; Constitution of the United States, Art. I, Sec. 8, Par. 16.

³⁰ Constitution of Iowa, 1857, Art. III, Sec. 22.

³¹ Constitution of Iowa, 1844, Art. IV, Sec. 23; Constitution of Iowa, 1846, Art. IV, Sec. 22.

In the Bill of Rights of the Constitution of 1844, section thirteen read: "The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years." Section fourteen of this article further provided that "No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in a manner prescribed by law."³²

These provisions, which were incorporated into the first Constitution of the proposed Commonwealth as specific guarantees to its inhabitants against encroachment by the government, were taken directly from the New Jersey Constitution of 1844, and have been transferred to the Iowa Constitutions of 1846 and 1857 without change.³³ Although taken directly from the New Jersey Constitution of 1844, such guarantees of individual rights may be readily attributed to the colonial experience of the early American Colonies. In the Declaration of Independence the colonists asserted that standing armies were maintained among them without the consent of their legislatures, and that soldiers were quartered upon them without their consent.³⁴ Thus it was that provision was made in the early Commonwealth Constitutions and in the Federal Constitution to prevent the government from imposing the support of soldiers upon private persons, as well as to prevent the intrusion of soldiers upon the private premises of individuals. The first Constitution drawn up for the proposed State of Iowa was made at a time when such provisions were still regarded as

³² *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, p. 189.

³³ Poore's *The Federal and State Constitutions and Colonial Charters of the United States*, Vol. I, pp. 538, 553, Vol. II, p. 1315.

³⁴ Poore's *The Federal and State Constitutions and Colonial Charters of the United States*, Vol. I, p. 4.

important safeguards to individual liberty and individual rights. The Constitutions of 1846 and 1857 were closely modeled upon that of 1844, and so it is that the present Constitution of the Commonwealth still guarantees to its citizenry that no standing army shall be kept up in time of peace; that the military shall be subordinate to the civil power; and that soldiers shall not be quartered in any house in time of peace without the consent of the owner, nor in time of war except in the manner prescribed by law.³⁵

Two of the seven sections in the Article on Suffrage of the Constitution have to do with the militia. Section three provides that "No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger." The object of this section was to prevent the Governor or those clothed with authority from calling portions of the reserve militia into service on election day in order to hinder them from casting their vote at the polls. In case of a close contest in an election, it was feared that the Governor might resort to such methods in order to prevent the opposition from casting their ballots, yet there is nothing in the history of Iowa to lend support to such suspicion. This provision had found expression in a State Constitution long before the Iowa constitution makers met at Iowa City in 1844. Indeed, it may not only be traced to the early American Commonwealth Constitutions, but to the famous charters of England. No discussion of this section took place in the Convention of 1844, and it has been handed down from one Constitution to another in practically the form adopted then and remains today a part of the supreme law of the Commonwealth.³⁶

Section four of the Article on Suffrage provides that "No person in the military, naval, or marine service of the

³⁵ Constitution of Iowa, 1857, Art. I, Secs. 14, 15.

³⁶ Constitution of Iowa, 1857, Art. II, Sec. 3.

United States shall be considered a resident of this State by being stationed in any garrison, barrack or military or naval place or station within this State."³⁷ The object of this section is to prevent Federal troops stationed within the State from enjoying the privileges of voting, although they may have been in Iowa long enough to possess all of the requisites of qualified voters. This constitutional provision does not, however, prohibit soldiers or marines in the Federal service, whose legal residence was in Iowa at the time they entered such service, from casting their vote in the Iowa elections, regardless of whether they are stationed within the State or not. To meet the requirements of the suffrage in Iowa, the vote must be cast in the precinct or voting district in which legal residence has been established. During the World War many of Iowa's citizens who were then serving in the military or naval forces of the Federal government, cast their votes as provided by the absentee voter's law. Even during the Civil War a great number of Iowa soldiers were permitted to vote, for the General Assembly passed an act on September 11, 1862, which provided for a poll of the Iowa soldiers wherever a regiment, battalion, battery, or company was stationed.³⁸

PRESENT STATUS OF THE MILITIA

According to the provisions of the Iowa Constitution all able bodied male citizens between the ages of eighteen and forty-five years are members of the militia. This provision, however, has been enlarged by statutory law to include alien male residents who have declared their intention of becoming citizens. The unorganized militia constitutes the great body of male residents who are liable to perform mili-

³⁷ Constitution of Iowa, 1857, Art. II, Sec. 4.

³⁸ Horack's *The Government of Iowa*, pp. 46, 47; Aldrich's *Voting with the Soldiers* in the *Annals of Iowa* (Third Series), Vol. VI, pp. 618-623.

tary duty, or in other words the potential military reserve, whereas the organized militia as defined by statutory regulation is designated as the "national guard of the United States and of the State of Iowa",³⁹ and is recruited by voluntary enlistments.

The Governor is the commander-in-chief of the militia. All commissioned officers, except staff officers, are elected by the persons liable to perform military duty, and are then commissioned by the Governor. Officers of the militia who receive an annual salary are disqualified from holding a seat in the General Assembly during the period for which such salary is received. The power to make rules governing the arming, equipping, and training of the militia is given to the General Assembly, but these rules and regulations must be in conformity with the regulations prescribed by Congress. The Constitution forbids the quartering of soldiers in private homes without the consent of the owner, both in time of peace and in time of war, but the legislature may by law prescribe regulations whereby soldiers may be so quartered in time of war. Furthermore the Constitution provides that residence within the State while on duty in the military, naval, or marine service of the United States does not give a person the right to vote. Electors, who are liable to perform military duty, are not required to do so on election day except in time of war or public danger. The Constitution also provides that the military shall be subordinate to the civil power, and that a standing army shall not be kept up by the State in time of peace; and that in time of war appropriations for a standing army shall not be made for a longer period than two years.

CARL HERMAN ERBE

THE STATE TEACHERS COLLEGE
CEDAR FALLS IOWA

³⁹ *Compiled Code of 1919*, Title III, Ch. 1, Sec. 300.

THE WITTEMBERG MANUAL LABOR COLLEGE

Students of early mid-western immigration tell us that before 1850 the number of New England people among the residents of Iowa was comparatively small.¹ But even from the first New England influence in the State was strong, and this was especially true in matters of religion and education: these two things loomed so large in the Puritan mind and were carried so persistently to his new community by the migrating New Englander that we are justified in giving him credit out of all proportion to his numbers for the founding of churches and schools on the Middle Border.²

Certainly this New England passion for church and school sent many thin but potent lines of influence into Iowa. Sometimes it was a direct contribution of leaders or of money, sometimes it was but an inspiration caught by persons who themselves had never been east of the Hudson River. At least a few Iowa educational ventures were inspired by the old passion but were undertaken in a new manner, and among these was Wittemberg Manual Labor College, founded in 1855 some five miles north of the present city of Newton. This daring and in some respects revolutionary undertaking has its own interest as a story of adventure, and it has a certain historical interest, too, as an illustration of mid-western educational development and progress.

Educational undertakings in new countries must borrow the materials and many of the methods developed by school men in older communities, but pioneer teachers usually deal with these materials in a new spirit. They undertake the

¹ Douglass's *The Pilgrims of Iowa*, p. 292.

² Douglass's *The Pilgrims of Iowa*, pp. 291-294.

task in an amateur and practical way. Education, like all difficult undertakings, of necessity becomes professionalized as it tries to meet the greater and greater demands made upon it. Educators must decide not only how to practice their art but also what things will help produce a liberally educated mind. This process of decision and accomplishment is long and intricate.

At its best the resulting education makes for liberation and fulness of life; but at its worst, when the process falls into less inspired keeping, it becomes hidebound and steeped in a stubborn tradition, a thing of old formulae and old shibboleths, satisfying only to professionals who live in an academic atmosphere created in their own likeness. When educational process and content fail to change with the civilization of which they are a part, when earnest and capable students find themselves unable to see the forest for the trees, when their training fits them only for a world that has largely disappeared, the time is ripe for an infusion of new vigor from the soil.

This revolutionary spirit which desires a new vigor and a new alignment is nearly always present in the educational world, but it sometimes needs a new combination of circumstances to set it in motion. Such a spirit entered into the founding of the Wittemberg Manual Labor College and gave to that undertaking a certain amount of lasting importance, though the college itself lived for less than a quarter of a century. It drew this amateur and progressive spirit from the very atmosphere of the Middle Border. So while the college was in one sense an offshoot of the parent New England stem, in another sense it was a true product of its own time and place.

The community of Wittemberg was founded in 1853,³ on the line of pioneer settlement that was slowly advancing to

³ Weaver's *Past and Present of Jasper County Iowa*, Vol. I, p. 177.

the north and northwest across Jasper County. The village of Newton had been founded about eight years earlier, and in 1846 Jasper County had been legally organized with Newton as the county seat.⁴ Among the men who came into the new community and began building homes and breaking sod were two of unusual capacity and personality — Reverend Thomas Merrill and Richard Sherer. Both were ardent anti-slavery men, and in their former homes in southwestern Ohio both had been members of the Free Presbyterian church. While Reverend Merrill was not the leader of the new settlers in the manner of the old New England divines who had led their congregations overseas to the new world, he was accepted as a natural leader to whom people could turn for guidance in community and personal affairs. The first Sunday he was in the neighborhood he called the few neighbors together and held a Sunday school. This gathering was the real beginning of the Wittemberg church, one of the strong rural churches of the State. Soon after, probably the following year, Reverend Merrill formally organized this church in the Free Presbyterian faith.

It seems impossible to determine precisely who christened the neighborhood or the immediate origin of the name. Without much doubt the name came originally either from the German kingdom of Württemberg or from the Saxon town of Wittenberg, the town associated with Martin Luther and the Reformation. Possibly it is a combination of both names, for pioneer spelling, at least before the days of the spelling school, was rather hap-hazard. In the early records of the college the name is spelled "Wittemburg", with a "u" instead of an "e",⁵ but the present spelling, "Wittemberg", has been followed for many years.

Families moved in, and the community grew both in

⁴ Weaver's *Past and Present of Jasper County Iowa*, Vol. I, pp. 44-48.

⁵ Manuscript records of Wittemberg Manual Labor College.

numbers and in self confidence. Reverend Merrill had accomplished the first of his purposes in founding the church, and true to the New England tradition he then approached the problem of education.

It is hard at this distance to realize how completely these pioneer farmers were dependent upon their own efforts. The Rock Island Railroad had reached the Mississippi River in 1854. If wheat was to be sold for cash it must be hauled overland to the Mississippi River, a distance of about one hundred and fifty miles;⁶ and if goods of eastern manufacture were to be brought in they must be hauled back the same distance. If wheat and corn were to be ground into flour or meal, or logs sawed into lumber, mills must be built and operated. The planting of groves and orchards, the making of trail roads along the divides and across unbridged streams, the founding of towns and the opening of markets—all these things waited until the busy settlers found time and skill to attend to them.

The same was largely true of schools. The public schools were very elementary; and opportunities for higher education were far to seek, though a few such opportunities did exist in the State. Denmark Academy had opened its doors in 1845 and Iowa College, now Grinnell, had begun in Davenport in 1848. But if the young people were to have education made available in the central part of the State the pioneers themselves would have to create and maintain the necessary schools.⁷

On December 18, 1855, a group of Wittemberg farmers met at the home of John Carey and adopted articles of incorporation for a college, and they did it without much

⁶ J. P. Beatty used to tell many stories of the hardships of this winter hauling.

⁷ *Annals of Iowa* (Third Series), Vol. VII, p. 7; Parker's *Higher Education in Iowa*, p. 138.

if any promise of outside help.⁸ No church education society loaned them money, no wealthy eastern patrons stood ready to see them through. Their financial resources consisted of what money they could raise among themselves and among equally poor pioneers throughout the State. How poor these Wittenberg men were may be judged from the fact that with land selling at government prices of less than two dollars an acre few felt able to own more than eighty acres and many contented themselves with less. Founding even the small and primitive school which they had in mind would involve the erection of a suitable building, the maintenance of a teaching staff, and the provision of living quarters for the students. The plan included a "college farm" which should serve the double purpose of a laboratory in the study of agriculture and a source of revenue. For this purpose the founders secured a fine tract of prairie land of more than four hundred acres.

But if the founders displayed a courage approaching rashness in undertaking this financial burden with so few resources, they displayed no less courage and self reliance in determining the character of the college. Previous to that time few colleges had admitted women as students. Women were not generally employed to teach even in elementary schools, nor were they permitted to take much part in public affairs or in church administration. Whatever higher education they received they had to get from private tutors or in the rather feeble seminaries founded for the purpose.

Slavery was still a constitutionally recognized institution, protected by the most solemn legal enactments. Before 1850 the Iowa people who had come directly or in-

⁸ This and most of the following facts about the college have been drawn from the manuscript records of the proceedings of the board of trustees. See also Weaver's *Past and Present of Jasper County Iowa*, Vol. I, pp. 129-135.

directly from the South are said to have outnumbered the New Englanders in the State by six to one;⁹ and even as late as 1854 some politicians believed that both Iowa and Illinois were favorable to the extension of slave territory. These politicians may have been misled into thinking that every person of southern origin held the usual southern view of this institution, but we know that many of these people had come to the Middle Border for the express purpose of escaping from the presence of slavery. But the fact seems clear that in 1855 Iowa public opinion still included at least a vigorous minority favorable to the maintenance and protection of this institution.

Before 1855 higher education had not taken a practical turn. It still consisted of ancient languages, mathematics, moral philosophy, theology, and the like. Experimental science was still in its infancy. Mechanic arts, domestic science, agriculture, and the like were not recognized as curricular possibilities. In fact college education was not very democratic either in content or in spirit; for while almost any young man of white parentage could gain admission to some college, the tendency of his education was to take him into the so-called learned professions and away from the everyday work of the world.

In the light of these facts it is interesting to read over the first few articles of incorporation adopted in a farmhouse that winter evening seventy years ago.

Art. 1st.—This incorporation shall be known as the Wittemberg Manual Labor College and shall be invested with all the powers and immunities and the full period of duration authorized by the code of Iowa.

Art. 2nd.—The objects of this association shall be to establish and conduct a literary institution under the above name in Jasper county, Iowa, in which the advantages of a thorough education

⁹ Douglass's *The Pilgrims of Iowa*, p. 292, quoting from the studies of Professor F. I. Herriott, of Drake University.

shall be furnished at the least possible expense, to break down so far as our influence may extend the oppressive distinction on account of caste and color, and to counteract both by precept and example a spirit of aristocracy that is becoming so prevalent and which it is feared the policy and influence of many of our institutions of learning have a great tendency to encourage.

Art. 3rd.—We will endeavor to maintain a school in which a pure morality and evangelical religion shall be taught, guarding against the introduction of both sectarian teaching and sectional influence.

Art. 4th.—As the name of the corporation implies, labor shall be combined with study, invariably, in such manner as the trustees may direct, so that not less than two hours of manual labor each day be required of every teacher and student, unless prevented by sickness or other bodily infirmity.

Art. 6th.—No person of good moral character who is not a slaveholder in practice or principle, shall be denied the privilege of being a shareholder in the institution, none shall be rendered ineligible to office or refused admittance as a student on terms of perfect equality on account of caste, color or sex.

This plan is clearly the work of persons of definite convictions who are not careful to conciliate others of differing opinions. It demands democracy in education; it admits women on an equality with men; it takes a savage thrust at slavery and opens the door to negro students: and it recognizes the dignity of labor by making it a required part of the college course.

The first official board consisted of Richard Sherer, president; John Carey and John A. Work, vice presidents; Andrew Failor, secretary; James R. Crawford, treasurer; and Reverend Thomas Merrill, general agent. Other members of the board were Mrs. Elizabeth Merrill, Mrs. Mary Carey, James McLaughlin, S. A. Thornton, J. P. Beatty, and Thomas Vanatta.

It should be remembered that all these people, except possibly Reverend Merrill, were farm men and women, en-

gaged in creating profitable farms for themselves on the prairie. They did not undertake the founding of the school with any exalted notion of building a monument to themselves. They undertook it in the course of the day's work, that their children might be educated. We may assume that while Reverend Merrill probably crystallized the desire for a school, the farmer trustees doubtless insisted upon the innovations. All the trustees were anti-slavery men and agreed perfectly on the clauses dealing with slavery and with negro students. All of them were church members and agreed that "pure morality" and "evangelical religion" should be taught. But not all of them had belonged to the same denomination; and this may help to explain the stand against sectarianism.

They had agreed as a matter of convenience to organize the church in the Free Presbyterian faith, for they had a minister of that denomination among their own number, but in 1865 when the Free Presbyterian denomination disappeared with the destruction of its old enemy, slavery, the local church had a difficult time deciding on the denomination to which it should change. J. P. Beatty, a Presbyterian and one of the most extraordinary men for learning and common sense in the neighborhood, decided that none of the half dozen denominations most strongly urged in the church meeting could win a majority. As he thought of the matter it occurred to him that Congregationalism, a denomination not previously suggested, was tolerant enough and included enough of the doctrinal points at issue to make it satisfactory to the members. On his motion the church became Congregational and still remains in that communion.

Although the new institution called itself a college, like other pioneer colleges it had to prepare its own students before they were qualified to enter upon collegiate work.

The record of the second meeting of the trustees, held on Christmas day, 1855, a week after the organization, contains the following notations: "On motion the following rates of tuition were fixed for a term of twelve weeks: Three dollars for the primary department, four dollars for the common English branches and five dollars for the advanced English branches and languages." At the same meeting the college faculty was appointed. It consisted of Reverend and Mrs. Merrill, and their combined salary was fixed at thirty dollars a month. So this devoted minister in addition to carrying the thankless burden of raising money as general agent was to be dean of the faculty and do half the teaching.

At the close of the first term the faculty reported to the trustees that the tuition received amounted to \$44.25. Since the sum due the teachers was \$90, there appeared a deficit of \$45.75. The report presented on September 24, 1856, for the term ending August 29th showed tuition receipts of \$76.23 and a resulting deficit of \$39.27. It appears that among the students were four Vanattas, four Sherers, three Works, five McLaughlins, two Careys, and three Merrills. It is clear that the trustees were not only assuming the burden of the school but were also supplying a fair number of students for it.

The trustees had a plan which they hoped would raise the money needed to build a college building and at the same time produce a suitable urban setting for the college. They reserved ten acres as a campus and then divided part of the remainder of the farm into town lots. The village of Wittenberg was platted on December 15, 1856, and official record of the plat was made on January 12, 1858.¹⁰ Many of these lots were sold, and a number of houses were built. The site reserved for the college building was north-

¹⁰ Weaver's *Past and Present of Jasper County Iowa*, Vol. I, p. 362.

east of the present church building and directly in line with the highway leading to Newton.

A temporary structure was built to answer the purpose until money could be raised and materials collected for the college building. The physical difficulties were enormous. No lumber was available, so the trustees decided to make use of native timber; and for this purpose they purchased eight acres of timber land from Jesse Hammer at a cost of \$33 an acre. Timber land was worth much more at that time than the best prairie land, a condition which the rapid settlement of the country soon reversed. John Carey went to Ohio, his former home, and endeavored to get some manufacturer of sawmill machinery to build a portable sawmill according to plans which he was prepared to furnish, but for a time he was unsuccessful. None of them had so much as heard of such a thing, did not believe it would work, and refused to build it. Finally he persuaded a Norwalk manufacturer to follow his plans. The mill was shipped to Wittemberg, worked splendidly, and was in service for many years. It is supposed to have been the first portable sawmill ever built, and it is said that some of the innovations worked out by this prairie farmer in designing the outfit made possible some radical improvements in the building of larger sawmills.¹¹

The college building finally erected on the site reserved for it was a large two-story rectangular structure. A wide hall, flanked by class rooms, led from the main entrance in the center of the south side to the chapel room on the north which extended the full length of the building. The second floor was fitted as living quarters for the teachers and for some of the students. Evidently it was the plan to use the entire building for classes when the school grew large enough to need the space. The inside finish was black

¹¹ Weaver's *Past and Present of Jasper County Iowa*, Vol. I, p. 67.

walnut, the floors were of oak, and the siding was butternut or, as it was then called, white walnut.

The work was constantly hampered by lack of money, and finishing the building was a slow process. On June 22, 1861, the trustees passed a resolution offering the Free Presbyterian church the right to hold Sunday services in the chapel room for a period of five years if the church would finish the room in a specified manner. The church accepted, did the work, and used the room for the five-year period.

The financial panic of 1857 was a hard blow. The following resolutions, adopted by the trustees, on March 4, 1857, show of what stuff these college builders were made:

Resolved, 1st. That we recognize in our present embarrassed condition as a board and the causes which have led to it, the plain teachings of divine providence.

Resolved, 2d. That both duty and interest demand that we should go forward in the erection of the college building now under contract.

Resolved, 3d. That in order to the accomplishment of this end, we feel that God is now demanding of us the contribution of such a portion of his property now in our hands as will put this enterprise beyond embarrassment.¹²

It is said that Thomas Merrill, John Carey, James R. Crawford, John M. King, Andrew Failor, and J. P. Beaty mortgaged their farms for sums ranging from \$250

¹² Manuscript record for July 8, 1857: "A. Failor read a letter from Mr. Coldson in which he requests the money as per contract by return mail or the return of the deed for the land purchased of him. The board on motion ordered the return of the deed. The Secretary read a notice from the contractor to the president, asking for an advance of \$2800 for the purchase of materials for the college building. On motion the subject was ordered to be laid on the table. . . . On motion King, Merrill & Failor were appointed a committee to confer with the contractor relative to present difficulties." These and many other laconic entries indicate the financial troubles of the trustees. See also Weaver's *Past and Present of Jasper County Iowa*, Vol. I, pp. 132, 133.

to \$1000 each to secure money to finish the building. These were large sums when the low market value of the land at that time is considered and all these men were under much anxiety until the mortgages were paid.

The old records deal mostly with the financial troubles of the trustees, but this is but part of the story of the school. As an educational venture, seen from the standpoint of the students, it was a success from the beginning. During the life of the school the enrollment ranged from forty to ninety. Most of the instruction was necessarily of common school or academy grade. The teachers were capable and were well educated for their time, and the students were anxious to learn. The college became the social center of the community life, and these students not only received instruction that otherwise would have been denied them, but also had the privilege of sharing in a life more cultured than the average of the Middle Border.

On November 24, 1856, the trustees set aside a tract of land to be used as a cemetery, and in October, 1858, title to the cemetery was transferred to the Free Presbyterian church. In 1868 when the church, then Congregational in denomination, was preparing to erect a building, the trustees gave to the church the plot of ground where the building still stands.

In 1857 the trustees decided to start the publication of a monthly journal. This was first called *The Wittemberg Educator* but was later renamed *The Wittemberg Review*. They purchased a press and type, and Mr. and Mrs. Merrill undertook the work of editing and publishing, in return for any profits that might accrue. This publication venture was probably inspired by the hope that it would bring the needs and possibilities of the college to the attention of possible patrons. Most of the editorial work was done by Sarah Merrill, a daughter of Mr. and Mrs. Merrill. How long the

paper was published is not known, but it probably did not live for more than two or three years.

On January 20, 1860, Reverend Merrill was elected president of the college and held that office until 1862, when he became the chaplain of one of the Iowa regiments. He was never afterwards associated with the college. Rev. G. T. Poage, a farmer preacher, became president of the board that year and held the office to the end of the written records.

Financing the college became increasingly difficult, however, and at length the trustees deviated a little from their non-sectarian position. On December 15, 1862, a request was sent to the Wesleyan Methodist general conference to share in the burden. The conference agreed to do this but on terms that were unsatisfactory to the trustees, so the college was continued on its old footing.

In 1866 a committee was appointed to consider the transfer of part of the college property to some responsible person who would agree to continue the college according to the principles promulgated in the articles of incorporation. In May, 1867, a contract was made with Reverend S. A. McLean, an eastern minister, by which he was to advance the sum of \$2000 in cash and to conduct a school of academy grade for four years. At the end of that time the college was to pay him the sum of \$4015. In 1868 a new contract was made with Reverend McLean whereby he was to cancel his claim under the earlier contract, continue the school for ten years, counting from January 1, 1868, and in return was to receive title to most of the college property. This settlement was not satisfactory to all the trustees, and John Carey brought suit in the courts to prevent the execution of the agreement. The court held the contract void but gave to the McLeans a lien on all the property to secure the considerable sums of money due them.

Reverend McLean died in 1869, but his daughters Elizabeth and Anna continued the school. Eventually the lien was foreclosed, and all the property passed to the McLean family. Finally Elizabeth McLean, who had been the head and operative force of the school after her father's death, was married, and her leaving brought the college to an end.

Several things made the continuance of the college difficult if not impossible. The courage and independence of the original trustees outran their means. In their anxiety to avoid sectarianism they had refused to affiliate with any church body and few schools in a new country in those days could do this and still live. The interest and approval of an organized denomination brought church money, and in addition it brought the school to the attention of charitable people in the East. Without this avenue of approach it was difficult if not impossible to reach those people.

In the second place the Rock Island Railroad in building westward had passed through Newton and had missed Wittemberg, and it was evident that such an inland town had small chance of survival. Newton increased while Wittemberg decreased. To add to these handicaps, the school had serious competition near at hand. Hazel Dell Academy was founded in Newton in 1856, and grew rapidly; for it was but natural that students preferred going to a school in a growing and interesting town. So the Wittemberg college was closed, the building was torn down and the wrecked material was used for buildings on neighboring farms. In 1878 the village of Wittemberg was legally vacated, and all streets not used as public highways were closed. The village houses have become farm homes, and the only remaining physical evidence of the old educational experiment is the rather unusual layout of the roads which follow the old streets.¹³

¹³ Weaver's *Past and Present of Jasper County Iowa*, Vol. I, pp. 135, 136.

So this heroic pioneer effort came to an end. The founders failed in one sense, for they had hoped that the modest beginnings which they made might grow into a great, democratic college that for countless generations should offer the kind of education in which they believed so firmly. But in another sense they did not fail. The school bridged what otherwise would have been a gap in pioneer education. Hundreds of people who have lived useful lives received training and inspiration there. And without doubt the courage and idealism of these daring and godly men and women have placed a lasting mark upon the Wittemberg neighborhood. While these people distrusted sectarianism they were deeply religious. Over and over again the old records state that the meetings of the trustees were "organized by prayer". Scores of Wittemberg people who scarcely know even the names of these old pioneers have entered into the fruits of their labors; and hundreds who have moved away have carried echoes of their accomplishments to reëcho in distant neighborhoods.

ROBERT Y. KERR

GRINNELL IOWA

SOME PUBLICATIONS

Forty Years on the Frontier. By Granville Stuart. Cleveland: The Arthur H. Clark Company. 1925. Pp. Vol. I, 272; Vol. II, 265. Plates. These two volumes contain the story of a man who lived every phase of pioneer life, first as a boy in the Territory of Iowa, then as a participant in the gold rush to California, and then for many years as a miner, Indian fighter, trader, packer, merchant, and cattle baron. He wrote in his journal the daily experiences of more than forty years. In the later years of his life he drafted from these journals a narrative of his experiences and collected other materials to explain pioneer life on the frontier. At his death his journals, the narrative, and other papers were put in the hands of Paul C. Phillips to prepare for publication. The result is a most satisfactory story of the period covered. To Iowans the first chapter, which tells of the coming of the Stuarts to Iowa in 1838 and describes life in Iowa in the late thirties, is of particular interest. The volume is attractively printed and bound by the Torch Press of Cedar Rapids, Iowa. Footnote references reinforce the narrative, and reproductions of original drawings by the author are a feature of the work. The second volume contains an index.

Maryland's Religious History, by Bernard C. Steiner, is one of the contributions published in the March number of the *Maryland Historical Magazine*.

Influence of Frontier Life on American Christianity, by John Martin Thomas; and *The Indian Legend of Watchung*, by William de la Roche Anderson, are two interesting articles in the *Proceedings of the New Jersey Historical Society* for January.

The Persistence of the Westward Movement, by John Carl Parish; and *Letters from a Michigan Log Cabin, 1830-1834*, by E. M. Chandler, are two articles of interest to western history students found in *The Yale Review* for April.

Travel and Transportation in Colonial North Carolina, by F. W. Clonts; and *North Carolina in the School Geographies 110 Years Ago*, by Charles L. Coon, are two articles of general interest in the January issue of *The North Carolina Historical Review*.

The Holland Land Company, by Paul Demund Evans, has been recently published by the Buffalo Historical Society. This company was organized by Dutch investment houses in 1795 for speculation in land in the United States, chiefly in New York and Pennsylvania.

The Florida Historical Society Quarterly for January contains the following papers: *The Nine Old Wooden Forts of St. Augustine*, by Jeannette Thurber Connor; *The First Spanish-American War*, by A. H. Phinney; *Federal Raid on Tampa Bay*; and part three of *The Occupation of Pensacola Bay, 1689-1700*, by William Edward Dunn.

Pacific Coast Place Names in the State of Washington, by Francis E. Smith; *Wherein "Nordics" Excel*, by Joel N. Eno; and *The Upper Ohio Valley*, by George P. Donehoo, are three articles in the January *Americana*. The article by Mr. Eno contains some information as to inventions of agricultural machines which is of interest to students of history in the Middle West.

A fourth installment of *The Royal Government in Georgia, 1752-1776*, by Percy Scott Flippin, is the chief article in *The Georgia Historical Quarterly* for September, 1925. *Braxton Bragg and the Southern Confederacy*, by Thomas Robson Hay; *When John Wesley Preached in Georgia*, by E. Merton Coulter; and *The Spanish Settlement of Santa Elena (Port Royal) in 1578*, by Mary Ross, are three articles in the number for December, 1925.

Spanish American Patriot Activity Along the Gulf Coast of the United States, 1811-1822, by A. Curtis Wilgus; *A Brief History of St. Landry Parish*, by William J. Sandoz; *Bicville — A Genealogical Sketch*, by Andre Lafargue; and *Early History of the Flag of the United States*, by George W. Simpson, are among the contributions published in the January issue of *The Louisiana Historical Quarterly*.

WESTERN AMERICANA

The Historical and Philosophical Society of Ohio Publications for 1925 contains the annual report of the Society for 1925 and *Notes on the Proposed Settlements in the West, 1755-1757*, edited by Beverley W. Bond, Jr.

The Missouri Compromises and Presidential Politics, 1820-1825, extracts from the letters of William Plumer, Jr., edited by Everett Somerville Brown, has recently been published by the Missouri Historical Society.

The Ohio State Archaeological and Historical Society has published a volume of biography — *William Allen: A Study in Western Democracy*, by Reginald Charles McGrane. This is especially valuable for the glimpses it gives of pioneer customs and politics.

The Place of Pittsburgh in History, by John E. Potter; *The McKean Tract*, by John A. Emery; and *Child Life in Colonial Western Pennsylvania*, by Percy B. Caley, are the three articles in the January issue of the *Western Pennsylvania Historical Magazine*.

The Michigan Historical Commission has recently issued a second volume of the *Messages of the Governors of Michigan*. This covers the period from 1846 to 1869 and, like the first volume, was edited by George N. Fuller.

The Transportation Problem for North Dakota, by Harrison A. Bronson; and *The Significance of a Skull*, by C. B. Grant, are two papers in the January number of *The Quarterly Journal of the University of North Dakota*.

Capital Punishment in Detroit, by M. M. Quaife, makes up the January number of the *Burton Historical Collection Leaflet*. Under the title, *Detroit Entertains a Prince*, the March number contains the story of the visit of a son of Jerome Bonaparte to Detroit in 1861.

Indian Caves in Wisconsin, by Charles E. Brown, is the chief article in *The Wisconsin Archeologist* for January, 1926. *Burial*

of *White Feather*, by H. E. Cole; *A Bronze Mirror from Carthage*, by Geo. Brinton Phillips; and a *Report on State Surveys* are shorter contributions.

Early French Policy Toward the United States is a short article in the *Chicago Historical Society Bulletin* for January. In the number for February are *The Death of President Lincoln* and *The Creation of the National Land Policy*. The latter article is continued in the March number.

Pioneer Struggles for a Colorado Road Across the Rockies, by L. R. Hafen; and *Photographing the Colorado Rockies Fifty Years Ago for the U. S. Geological Surveys*, by W. H. Jackson, are two papers of historical interest in *The Colorado Magazine of History* for March. Biographical sketches of Eliam M. Ammon, Ellsworth J. Bethel, and James H. Baker are included.

The Swiss Settlement of Switzerland County, Indiana, by Perret Dufour, has been published as Vol. XIII of the *Indiana Historical Collections*. This is the history of one of the interesting group settlements in Indiana and includes an appendix giving various facts as to the sales and expenditures of Jean Jaques Dufour during his travels in the United States in 1796.

The Annual Publications of the Historical Society of Southern California for 1924 contains, among other articles, the following papers: *California in Communication with the Rest of the Continent, with Reference Chiefly to the Period Before the Railroads*, by Helen L. Moore; and *California's Yesterdays Along El Camino Real*, by A. Harvey Collins.

A Review of "The Curious Legend of Louis Phillippe in Kentucky", by W. D. Pike; *Among the Indian Chiefs at the Great Miami*, by Paul J. Foik; *The First Martyrs of North America*, by John J. Ryan; and *The Pioneer Explorers*, by A. C. McLaughlin, are four of the articles in the January number of the *Illinois Catholic Historical Review*.

The Mississippi Whigs and the Annexation of Texas, by James E. Winston; *The Significance of the Jacksboro Indian Affair of*

1871, by C. C. Rister; and a concluding installment of *From Texas to California in 1849: Diary of C. C. Cox*, edited by Mabelle Eppard Martin, are three articles in the *Southwestern Historical Quarterly* for January.

The January number of *The Register of the Kentucky State Historical Society* contains continuations of the *Department of State Archives — Shelby County Tax Lists, 1795*, and the *Index to Shelby County Marriages, 1800–1830. Bryant's Station, and its Founder, William Bryant*, by Thomas Julian Bryant; and *The Cincinnati and Green River Railway Company*, by Edgar Bruce Wesley, are two articles in this number.

The Creation of Oregon as a State, by Charles H. Carey; and *Oregon Geographic Names*, by Lewis A. McArthur, are two of the articles in *The Quarterly of the Oregon Historical Society* for December, 1925. A short article, *Sarah Helmick and Helmick Park*, by Virginia Nesbit, tells the unique story of the return to the government for park purposes of five acres of land granted to Mr. and Mrs. Helmick as a claim in 1846. Mrs. Helmick was the donor of the land.

The January, 1925, number of the *Tennessee Historical Magazine* contains, among others, the following papers: *William Edward Myer*, by John H. De Witt; *Official Newspaper Organs and the Campaign of 1828*, by Erik McKinley Eriksson; *Franklin and Frankland: Names and Boundaries*, by J. T. McGill; *The Pioneers of Macon County, Illinois, and the Civil War*, by N. M. Baker; *A Forgotten Campaign*, by Sam'l C. Williams; and *Centennial History of Memphis*, by J. P. Young.

The *Chronicles of Oklahoma* for September, 1925, contains *The Journal of Hugh Evans, Covering the First and Second Campaigns of the United States Dragoon Regiment in 1834 and 1835*, transcribed and edited by Fred S. Perrine, with notes by Grant Foreman. The statement is made in the notes that Hugh Evans was probably the personal orderly of Colonel Henry Dodge who commanded the regiment. This number also contains the *Okmulgee Constitution*; a *History of the Construction of the Frisco Railway*

Lines in Oklahoma, by James L. Allhands; and the quarterly report by the secretary of the Oklahoma Historical Society, Joseph B. Thoburn.

The first number of *The New Mexico Historical Review*, that for January, 1926, contains the first installment of *New Mexico in the Great War*, prepared by the State Historical Service; *The First Term of the American Court in Taos, New Mexico*, by Francis T. Cheetham; and *Don Juan de Onate and the Founding of New Mexico*, the first installment of a series on the early history of New Mexico, contributed by George P. Hammond. The number includes a biography of Ralph Emerson Twitchell.

A third installment of *William Penn Lyon*, by Clara Lyon Hayes; part two of *The Epic of a Plain Yankee Family*, by Joseph Schafer; *Wisconsin's Efforts in Behalf of Soldier Rehabilitation*, by Frank C. Richmond; *A Pioneer Church at Prospect*, by Theodora W. Youmans; a continuation of *Historic Spots in Wisconsin*, by W. A. Titus; *Sauk City and Prairie du Sac, Twin Villages with an Historic Background*; and *The Museum and the School*, by Katherine E. Byram, are papers in the March number of *The Wisconsin Magazine of History*.

Lewis F. Crawford, the Superintendent of the State Historical Society of North Dakota, has prepared a volume entitled, *Re-kindling Camp Fires, The Exploits of Ben Arnold (Connor)*. The work includes a map, illustrations, bibliography, index, and notes. The author explains that this is not a biography of one man, but rather the story of the West in which this man played a humble part. Ben Arnold, whose real name was Benjamin M. Connor, began his western career as a soldier in the Civil War. Most of his experiences were in the Dakotas and among the Indians of the Northwest. As a story of the frontier this volume is unusually interesting.

The Mississippi Valley Historical Review for March contains the following papers and articles: *The Literary Motive in the Writing of History*, by Homer C. Hoekett; *The American Fur Company's Fishing Enterprises on Lake Superior*, by Grace Lee Nute; *The*

Origin of the Whig Party in Tennessee, by Thomas P. Abernethy; and *The Mercenary Factor in the Creation of the Union Army*, by Fred A. Shannon. *Captain Ford's Journal of an Expedition to the Rocky Mountains* was edited by Louis Pelzer.

Formative Influences in the Early Life of Henry Philip Tappan, by Charles M. Perry; *Dr. Stoddard Recalls the Days of President Tappan*, by James L. Smith; *Little Journeys in Journalism—Michael J. Dce*, by George B. Catlin; *The Henry Ford Collection at Dearborn—The Home Life of Early Days*, by H. M. Cordell; *A Sixth Grade Project in Local History*, by Ailee Wagenvoord; *History of the Michigan State Federation of Women's Clubs*, by Irma T. Jones; *Optometry in Michigan*, by P. Scholler; and *Alexander MacGulpin, Fisherman-Philosopher*, by Ivan Smith, are the articles and papers which appear in the *Michigan History Magazine* for January, 1926.

Earliest History of Mine La Motte, by John E. Rothensteiner; *Herculeaneum Shot Tower*, by Floyd C. Shoemaker; *Wawalanowa, Land of the Road to Paradise*, by Chas. K. Soper; *Reminiscences of General John B. Clark*, by W. D. Vandiver; *Adam-Rondi-Ahman*, by Rollin J. Britton; *Knighting the Heroes of Agriculture*, by A. A. Jeffrey; *Little Visits with Literary Missourians: Zoe Akins*, by Catharine Cranmer; and chapter three of *The Liberal Republican Movement in Missouri*, by Thomas S. Barclay, are papers and articles in *The Missouri Historical Review* for January.

The March number of *Minnesota History* contains a report of the 1926 annual meeting of the Minnesota Historical Society, held at St. Paul on January 11, 1926. In addition there are four articles relating to Minnesota history — *The Significance of the Twin Cities for Minnesota History*, by Norman S. B. Gras; *Ramsay Crooks and the Fur Trade of the Northwest*, by J. Ward Ruckman; *The Mississippi Valley from Prairie du Chien to Lake Pepin: A Survey of Unpublished Sources*, by Grace Lee Nute; and *Steamboat Travel on the Upper Mississippi in 1849*, by Willoughby M. Babcock.

General Horace Capron, 1804–1885, by Merritt Starr; *Centennial of the Visit of General Lafayette to Shawneetown*; *The Visit to*

Moline, Illinois, of Capt. Francis Jeffrey Dickens, Son of Charles Dickens, the English Novelist, by Mrs. Louise Jamieson Alsterlund; *Pen Pictures of the Central Part of the City of Quincy as It Was When Douglas and Lincoln Met in Debate*, by William A. Richardson, Jr.; *Edmund J. James, 1855-1925*, by Jessie Palmer Weber; *The Coming of the Ingalls Family to Illinois in 1834*, by Mrs. Mary F. C. Dixon; *The John Murphy Family as Pioneers in Illinois*, by A. F. Murphy; *Thomas Gregg: Historian, Editor and Publisher*, by J. A. Gordon; *General Henry Knox*, by William R. Sandham; and *General Philip Schuyler*, also by William R. Sandham, are contributions included in the *Journal of the Illinois State Historical Society* for July, 1925.

An extra number of the *Indiana History Bulletin* for December, 1925, contains the *Proceedings of the Southwestern Indiana Historical Society* and a number of papers which have been read before the Society. Among these are the following: *Daniel Grass*, by Laura Mercy Wright; *Materia Medica of Pioneer Indiana*, by Mrs. H. C. Knapp; *General William Harrow*, by Mrs. Frederick Pierce Leonard; *Character Sketch of William Harrow*, by John E. Iglehart; *The Mystery of Lincoln's Melancholy*, by Louis A. Warren; *Lincoln in Indiana*, by William Fortune; *Historical Work in Indiana*, by Christopher Coleman; *Romance of Ohio River Transportation*, by William W. Ross. In the number for March is a paper by William Ross Teel on *Mounds Near Terre Haute*. *Samuel M. Ralston*, by Meredith Nicholson; *Builders of the Calumet Region*, by C. Oliver Holmes; *High Lights in Indiana History*, by Ross F. Lockridge; *History Lessons from Indiana Names*, by Thomas James de la Hunt; *Field Trips in the Teaching of History*, by Earl Swindler; *John Tipton, Frontier Sheriff*, by Glen A. Blackburn; and *Blockhouse Stockades*, by Louis B. Ewbank, are papers and addresses on Indiana history printed in the *Bulletin*, extra number two for March.

IOWANA

A history of *The Burlington Hawkeye* is one of the articles in the January issue of *The Iowa Journalist*.

The January issue of *The Journal of the Iowa State Medical Society* contains a biographical sketch of Dr. James Taggart Priestley, by Walter L. Bierring.

The Alumni Association of the Iowa State Teachers College has recently published an illustrated souvenir edition of *Fifty Years at the Teachers College*, a volume of reminiscences by David Sands Wright.

Memories of the Civil War, by Hiram Thornton Bird, is the story of the experiences of a member of the Eighth Iowa Cavalry. It is in the form of a collection of anecdotes rather than a chronological account.

How Iowa Cared for Orphans of Her Soldiers of the Civil War, by George Gallarno, and a continuation of *Benjamin F. Pearson's War Diary* are the contributions printed in the *Annals of Iowa* for January, 1926.

Two Hundred Years in Guns, by George R. Kline, is an article in the *Rock Island Magazine* for March, 1926. Mr. Kline has an extensive collection of firearms at his home in Des Moines. Another article in this number is the fourth installment of *The Founders and Builders of the Rock Island*, by L. O. Leonard. James Grant and Hiram Price, both connected with Iowa, are the subjects of this installment.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Black, Forrest R.,

The United States Treaty Power and Limited Government (St. Louis Law Review, December, 1925).

Buchanan, Fannie R.,

Sunny Crest Farmyard. New York: Rand-McNally and Co. 1926.

Butler, Ellis Parker,

Boom! Boom! Boom! (The Outlook, February 17, 1926).

Crisis (The Ladies' Home Journal, March, 1926).

Ethiopian Dip (Canadian Magazine, February, 1926).

Our Friends, the Bees (Better Homes and Gardens, March, 1926).

Safety First (Collier's, February 27, 1926).

What Your Banker Knows About You (The Cosmopolitan Magazine, March, 1926).

Byerly, Theodore C.,

The Myology of Sphenodon Punctatum (University of Iowa Studies in Natural History). Iowa City: The State University of Iowa. 1925.

Cook, Wayne G.,

Acceptance of Service Outside the State as Affecting Jurisdiction (Iowa Law Review, February, 1926).

Dickman, Adolphe J.,

Le Role du Surnaturel dans les Chansons de Geste (Philological Quarterly, January, 1926).

Eriksson, Erik McKinley,

John Quincy Adams: Anti-Masonic Letter Writer (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., March, 1926).

Millard Fillmore: Anti-Mason (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., January, 1926).

Official Newspaper Organs and the Campaign of 1828 (Tennessee Historical Magazine, January, 1925).

Thaddeus Stevens: "Arch Priest of Anti-Masonry" (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., February, 1926).

Farran, Don,

The Droms (poem) (Golden Book, January, 1926).

Finney, Claude L.,

Keats's Philosophy of Beauty (Philological Quarterly, January, 1926).

Gallarno, George,

How Iowa Cared for Orphans of Her Soldiers of the Civil War (Annals of Iowa, January, 1926).

Gillin, John Lewis,

Crime and Its Cure (The Survey, March 1, 1926).

- Herbst, Josephine,
Iowa Takes to Literature (The American Mercury, April, 1926).
- Hill, James L.,
Tiptops of Travel. Boston: Richard G. Badger. 1925.
- Hinman, Jack, Jr.,
Water Supply in Iowa (American Municipalities, January, 1926).
- Hollingsworth, Horace S.,
How Public Institutions Can Use Private Agencies in the Child Placing Program (Bulletin of Iowa State Institutions, April, 1925).
- Hollowell, T. P.,
Prison Labor (Bulletin of Iowa State Institutions, April, 1925).
- Horack, H. Claude,
Specific Performance and Dower Rights (Iowa Law Review, February, 1926).
- Knight, Frank H.,
Economics at Its Best (The American Economic Review, March, 1926).
- Lowden, Frank D.,
Reorganizing the Administration of a State (National Municipal Review, January, 1926).
- Lull, Thelma Lucile,
Your Merry Heart—Six Poems (The Midland, February, 1926).
- McAllaster, B. R.,
Deleterious Ingestion, With Report of Cases (Bulletin of Iowa State Institutions, April, 1925).
- Maemillan, Ethel,
The Plays of Isaac Bickerstaff in America (Philological Quarterly, January, 1926).

Merriam, Charles E.,

Four American Party Leaders. New York: Macmillan Co. 1926.

New Aspects of Politics. Chicago: University of Chicago Press. 1925.

The Progress of Political Research (The American Political Science Review, February, 1926).

Merriam, John Campbell,

International Coöperation in Historical Research (Bulletin of the Pan American Union, March, 1926).

Mogridge, George,

The Feeble-minded (Bulletin of Iowa State Institutions, April, 1925).

Murphy, Thomas D.,

Seven Wonderlands of the American West. Boston: L. C. Page Co. 1926.

Orton, Samuel T.,

The Problem of the Feeble-Minded (Twenty-fifth Iowa State Conference of Social Work).

Parish, John Carl,

The Persistence of the Westward Movement (The Yale Review, April, 1926).

Peterson, M. Helene,

The Lure of Iowa and Other Poems. Clarinda, Iowa: Clarinda Journal Printing Co. 1925.

Powell, Lester D.,

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An old map of Chickasaw County, in the *New Hampton Tribune*, December 9, 1925.

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Sketch of the life of Judge William Hutchinson of Alton, a Sioux County jurist, in the *Hawarden Independent*, December 24, 1925, and the *Le Mars Sentinel*, December 25, 1925.

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Some early Iowa history, by Frank P. Clarkson, in the *Cedar Rapids Republican*, March 21, 1926.

Exploration of the Big Sioux River by Captain James Allen, in the *Sioux City Journal*, March 24, 1926.

HISTORICAL ACTIVITIES

The seventh annual Indiana History Conference was held at Indianapolis on December 11-12, 1925.

The annual meeting of the Mississippi Valley Historical Association for 1926 will be held at Springfield, Illinois, on May 6-8. The program will include an automobile trip to Salem where a luncheon will be served.

The fifth Minnesota State historical convention is to be held at Mankato on June 17, 18, 1926. An "historic tour", including Northfield and Faribault, will again be a feature of the meeting.

The Louisiana Historical Society will hold its monthly meeting on March 23, 1926. The original manuscript of "Destruction and Reconstruction", by Richard Taylor, a lieutenant general in the Confederate Army, will be presented by Andre Lafargue. The acceptance will be made by Henry P. Dart.

The Committee on Handbook of the Conference of Historical Societies has prepared a *Handbook of American Historical Societies*. This compilation was first projected in 1920 and is the work of a committee on which were George N. Fuller, Solon J. Buck, John C. Parish, and Joseph Schafer, who was chairman.

Dr. Solon J. Buck, superintendent of the Minnesota Historical Society, has been chosen executive secretary of the Committee on Endowment of the American Historical Association. The work assigned to this committee is the raising of a million dollars as a permanent fund for the Association. Dr. Buck's headquarters will be in New York, probably until September.

The State Historical and Natural History Society of Colorado which had suffered from the fact that no State funds were available to meet the appropriations of the legislature for the Society, has recently been financially assisted by the City and County of Denver. Although Dr. James H. Baker, editor-in-chief of the three

volume history of Colorado, recently died, the Society is continuing the work and it is hoped to have the volumes ready for the fiftieth anniversary of the admission of Colorado which occurs this year.

The seventy-seventh annual meeting of the Minnesota Historical Society was held at St. Paul on January 11, 1926. In connection with it was the sixth annual local history conference. Among the papers and discussions were the following: "The Relation of the State Federation of Women's Clubs to Local History Work in Minnesota", by Mrs. Will Curtis; "The History of Minnesota Forests", by Edward G. Cheney; "The American Fur Company's Fishing Enterprises on Lake Superior", by Grace Lee Nute; "Ramsay Crooks and the Fur Trade in the Northwest", by J. Ward Ruckman; "The Significance of the Twin Cities for Minnesota History", by Norman S. B. Gras; and "Isle Royale, Past and Present", by Frank M. Warren.

The American Historical Association is making a general appeal to the public for an adequate endowment. The Association was founded in 1884. It was chartered by Congress in 1889 and its annual reports are included in the series of government documents. Indeed the Association has come to be recognized as a national institution, contributing services in the promotion of historical research, the care of public records, the conservation of manuscripts, and the presentation of international relations. All of these activities have been carried on in the past largely by the contribution of services by members of the Association, but the field has become so large and the plans so extensive that it has been decided to ask for an endowment of a million dollars as one means of commemorating the one hundred and fiftieth anniversary of the Declaration of Independence. A Committee on Endowment has been chosen, with Albert J. Beveridge as chairman and Solon J. Buck, the superintendent of the Minnesota Historical Society, as executive secretary. The office of this committee will be 110 Library, Columbia University, New York. Senator A. B. Cummins and Harvey Ingham, editor of the *Des Moines Register*, are the Iowa representatives on the National Advisory Committee.

IOWA

John J. Fleming of Burlington has been appointed vice president for Iowa of the American-Irish Historical Society.

The Marshall County Historical Society held a meeting on March 22, 1926, at which the Tuesday Musical Club furnished a program of Iowa music.

Luther College, at Decorah, Iowa, has commenced remodelling a building to provide quarters for its collection of historical materials representing Norwegian culture in the United States.

A paper by William Loudon giving a sketch of the lives of his parents and a poetical account of the life of Hiram Heaton, by T. L. James, constituted part of the program of the Jefferson County Historical Society, held at Fairfield, on January 6, 1926.

The History and Travel Department of the Boone Woman's Club has selected Iowa history as the subject for study this year. At the meeting on January 14th, Mrs. T. E. Means read a paper on "Territorial and Iowa Governors to 1860", Mrs. George Moerke presented a paper on "Admission of Iowa as a State", and Mrs. J. J. Gallup discussed the Des Moines River Land Grant.

A talk by C. J. Harlan on the settlements on the banks of Turkey River was a feature of the monthly meeting of the Howard County Historical Society, held at Cresco on January 11, 1926. At the meeting on February 8th, Abbie Converse read a paper on the early history of Iowa. The annual meeting of the society was held at Cresco, March 8, 1926. John A. Lewis gave an address telling of the pioneer settlers along "Goose Creek". C. J. Harlan was elected president for the ensuing year; Lauraine Mead, vice president; Mrs. Alma Glass, secretary; and J. H. Howe, treasurer.

The Iowa Federation of Women's Clubs has designated the week of April 19-24, 1926, as "Iowa History Week" and is suggesting that each club in Iowa devote one meeting to the subject of Iowa history and that each high school in the State should provide a program on the subject of Iowa and its history. As a basis for these programs, the State Historical Society of Iowa in coöperation

with the Iowa History Committee, has sent to each club president and to each high school principal in the State a copy of the Iowa number of *The Palimpsest*, together with a letter explaining how the contents of the magazine might be used as a basis for talks on such topics as "Iowa in the Beginning", "Indians of Iowa", "The Boundaries of Iowa", "Great Seals of Iowa", and "Mottoes and Slogans of Iowa".

THE STATE HISTORICAL SOCIETY OF IOWA

The research staff of The State Historical Society of Iowa, under the direction of the Superintendent, Dr. Benj. F. Shambaugh, has begun work on a study of municipal government in Iowa. This will probably require several years for completion, and will be published as a fifth volume in the *Iowa Applied History Series*.

Bruce E. Mahan, Associate Editor of The State Historical Society, gave an address at the State Convention of the Iowa Society of the Daughters of the American Revolution at the Hotel Fort Des Moines, March 8, 1926, on the subject "Some Dramatic Episodes in Early Iowa History". On March 16, 1926, Mr. Mahan gave an address on the same topic at Mt. Pleasant before the Social Science Club of Iowa Wesleyan College and the Federated Clubs.

The State Historical Society of Iowa now has in press a volume, by Bruce E. Mahan, entitled *Old Fort Crawford and the Frontier*. This describes the military-Indian frontier along the Mississippi River from the founding of Fort Madison in 1808, to the final abandonment of Fort Crawford in 1856. It is the story of Indians, army officers, and enlisted men, with here and there references to traders or travellers, in the days when the red men and the soldiers faced each other along the frontier while the settlers with plows, axes, and picks pushed forward to occupy the prairies and the mines.

Benj. F. Shambaugh, Superintendent of the State Historical Society and head of the Department of Political Science at the State University of Iowa, gave the address at the annual mid-year convocation of the University of Iowa on February 3, 1926. He

described the University of the past and then unfolded a picture of the University of the future in which "the major emphasis will be placed upon the art of living rather than upon the science of life; upon the meaning of things rather than upon their constitution; upon the teaching rather than upon the methods of teaching". In this University of the future, declared the speaker, there will be "less of the letter and more of the spirit, less of science and more of the soul."

The following persons have recently been elected to membership in the Society: Mr. S. Anderson, Ogden, Iowa; Mr. Charles D. Booth, Harlan, Iowa; Mrs. Henry F. Brown, Wall Lake, Iowa; Mr. Harry F. Carlon, Oskaloosa, Iowa; Mr. C. E. Cook, Ogden, Iowa; Mrs. C. H. Cook, Mt. Pleasant, Iowa; Mr. N. P. Craemer, Cedar Rapids, Iowa; Mr. Lake Edwin Davisson, Nevada, Iowa; Mrs. O. K. Dick, Iowa Falls, Iowa; Mr. James B. Diver, Keokuk, Iowa; Mr. Ed. G. Eustis, Atlantic, Iowa; Mr. Francis Moore Goddard, Davenport, Iowa; Miss Mary B. Hancock, Dubuque, Iowa; Mrs. E. R. Holland, Des Moines, Iowa; Mr. Joseph J. Hronik, Cedar Rapids, Iowa; Rev. Julius F. Krolfifer, Davenport, Iowa; Mrs. Wayne K. Loveland, Dubuque, Iowa; Mr. Roy A. McGuire, Fairfield, Iowa; Mr. Lewis Marlow, Ogden, Iowa; Miss Merta Mitchell, Keokuk, Iowa; Dr. M. M. Myers, Des Moines, Iowa; Mr. John M. Pfautz, Lisbon, Iowa; Mr. H. S. Powers, Iowa Falls, Iowa; Miss Iola B. Quigley, Des Moines, Iowa; Mr. J. W. Reams, Malcolm, Iowa; Mr. John C. Reid, Cedar Rapids, Iowa; Mr. F. G. Scott, Aurelia, Iowa; Rev. M. E. Seltz, Burt, Iowa; Mr. Malcolm P. Sharp, Iowa City, Iowa; Mr. Ernest P. Simmons, Elliott, Iowa; Mrs. U. S. Smith, Mt. Pleasant, Iowa; Mr. W. A. Smith, Dubuque, Iowa; Mr. H. C. Stone, Peoria, Illinois; Mr. Amry Vandenbosch, Ames, Iowa; Dr. Irving B. Aker-son, Iowa City, Iowa; Mr. R. G. Berle, Davenport, Iowa; Mr. E. F. Bulmahn, Centerville, Iowa; Mrs. W. H. Burrows, Iowa Falls, Iowa; Rev. John F. Coghlan, North English, Iowa; Dr. F. W. Dean, Council Bluffs, Iowa; Mrs. Mattie J. Einwalter, Cedar Rapids, Iowa; Mrs. G. T. Forbes, Santa Monica, California; Mr. James O. Ganoë, Ogden, Iowa; Dr. Gordon F. Harkness, Davenport, Iowa; Mrs. C. U. Hunt, Shenandoah, Iowa; Mr. C. S. Hutchins, Burling-

ton, Iowa; Mr. J. Melvin Hutchinson, Cedar Rapids, Iowa; Mr. Ralph Lloyd Jones, Mason City, Iowa; Miss Julia A. Kirkwood, Iowa City, Iowa; Rev. John V. Madison, Holstein, Iowa; Mr. Alex Moir, Burlington, Iowa; Mr. R. B. Newnan, Oskaloosa, Iowa; Mr. John H. Nissen, Clinton, Iowa; Mr. F. C. Okey, Corning, Iowa; Mr. Jno. J. Rapp, Atlantic, Iowa; and Miss Mary Elizabeth Redburn, Stuart, Iowa.

NOTES AND COMMENT

The book section of the *Boston Evening Transcript* contains a full page devoted to *Hamlin Garland—The Hardy of the West*, by Joseph Edgar Chamberlin.

Recently 200 copies of the *Autobiography of Black Hawk* were discovered. Persons who are interested in obtaining a copy may write to Mr. George Erp, Monmouth, Illinois.

The fourth Commonwealth Conference will be held at the Old Stone Capitol Building at Iowa City on June 28-30, 1926. The subject of the Conference for this year will be "Local Self Government".

CONTRIBUTORS

JAMES RUFUS McVICKER was born in Wilton Junction, Iowa. Graduated from the Sigourney high school in 1893. Received the B. A. degree from the State University of Iowa in 1911, the M. A. degree in 1912, the LL. B. degree in 1913, and the J. D. and Ph. D. degrees in 1925. Served as a soldier in the Spanish- American War in the Philippines. Was elected clerk of the district court of Keokuk County in 1902 and re-elected in 1904. Was superintendent of schools at Fremont, Iowa, in 1907, at Keota, Iowa, 1907-1910, at Hortonville, Wisconsin, 1917-1918, at Dow City, Iowa, 1918-1919, and at Belle Plaine, Iowa, 1919-1923. Practiced law at Sigourney, 1913-1917, and is now a practicing attorney of the Linn County Bar. Author of *The Clerk of the District Court*, *The County Attorney*, and *The Administration of Justice in the County*, monographs published in Volume IV of the *Iowa Applied History Series*.

CARL HERMAN ERBE, Assistant Professor at the Iowa State Teachers College, Cedar Falls, Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for April, 1924, p. 319, April, 1925, p. 336, and July, 1925, p. 504.)

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THE IOWA JOURNAL OF HISTORY AND POLITICS
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FISH AND GAME LEGISLATION IN IOWA

I

INTRODUCTION

In the Territorial and early Statehood days of Iowa fish were caught and game was hunted not alone for the sake of the sport, but largely to provide food. The idea of protecting or fostering the wild-life of Iowa was far removed from the minds of the Iowa legislators. Indeed game and fish were so abundant that the suggestion of legislative regulation of hunting and fishing would doubtless have been looked upon as purely visionary. An early settler in Iowa Territory wrote as follows:

Our rivers and creeks abound with excellent fish, among which are speckled trout, white perch, black and rock bass, pike, catfish, shad, red horse-sucker, white-sucker, eels, sturgeon, shovelnose sturgeon, and numerous other varieties

The wild turkey may frequently be seen in all parts: Turkey River derives its name from the numerous congregation of these "gobblers" upon its borders.

The prairie hen abound in great numbers I have often purchased them in the Burlington market for 25 cents per dozen; the meat is tender, and its flavor delicious

Partridges abound throughout the territory

The woodcock is frequently met with

Geese, ducks, swans, loon, pelican, plover, snipes, &c., are among the aquatic birds that visit our rivers, lakes, and sluices

Foxes, racoons, opossums, gophers, porcupines, and squirrels of various kinds, are also numerous The muskrat is found in every part of the territory, and common rabbits abound in every thicket and roadside Deer are also quite

numerous, and are valuable, particularly to that class of our population which have been raised to frontier life; the flesh affording them food, and the skins clothing. No sight can be more captivating to the traveller, than to witness a flock of deer gracefully bounding over the prairies with the fleetness of the wind.¹

With such conditions, any legislative policy other than one of "laissez-faire" so far as the wild-life of early Iowa was concerned would have met with disapproval. It must have been evident, to be sure, even in those early days, that with the increase of the population and its accompanying transformation of the haunts of wild-life into habitable regions, fish and game would not always be as abundant as in pioneer days. But mankind has never been particularly far-sighted; in the field of law-making it is perhaps not inaccurate to say that the guiding principle has unconsciously been, "Sufficient unto the day is the legislation thereof".

As late as 1858, in fact, the Senate of the Seventh General Assembly summarily tabled a bill which apparently aimed to provide for a careful study of the bird and animal life of Iowa, perhaps with a view to making such a study the basis for the determination of a legislative program looking toward the perpetuation of the wild-life of Iowa.² Later in the session the measure was called up by one of the Senators, apparently in a facetious mood, and not a little sport was had with the bill. The Senators began by offering amendments increasing the original appropriation the bill carried to an outlandish figure. Then one member moved to amend by adding the following: "The person authorized to carry out the provisions of this act be required to catch the *Giasticutus*, the sand hill Crane,

¹ Newhall's *Sketches of Iowa*, pp. 29, 32, 33.

² *Journal of the Senate*, 1858, pp. 170, 247.

the Katy Did, and the large Mosquito." This motion prevailed³ and thus the bill was buried amid an atmosphere of levity.

Indeed legislation providing for the destruction of wild-life almost antedates that concerned with its protection. For the early law-makers seemed to be far more concerned over the current problem of protecting the sheep from the ravages of the wolves than over the visionary idea of insuring later generations of Iowans fish and game in reasonable abundance. And the agitation for bounties on wolves begun in the Fourth General Assembly continued until a bounty act was finally passed by the Seventh General Assembly.⁴

But the opposition the bounty bills encountered is evidence that the destructiveness of the wolf was not taken too seriously by some of the earlier legislators. This was due in some measure, perhaps, to the suspicion that the motive behind the bills was to some extent prompted by a desire to provide the hunter with pin-money. And the following amendment to a bill for the destruction of wolves offered in the Iowa Senate in 1856 by one of the bounty-law skeptics doubtless provided not a little merriment to the law-makers :

That any wolf or other voracious beast which shall feloniously, maliciously and unlawfully, attack with intent to kill, or do great bodily injury to any sheep, ass, or other domestic animal shall on being duly convicted thereof, be declared an enemy to our Republican institutions, and an outlaw, and it shall be lawful for the person aggrieved by such attack, to pursue and kill such beast wherever it shall be found, and if such beast unlawfully resist, the injured party may notify the Governor, who shall thereupon call out the militia of the State to resist said voracious beast, and if the

³ *Journal of the Senate*, 1858, pp. 606, 607.

⁴ *Laws of Iowa*, 1858, Ch. 62.

militia of the State should be overcome in such battle, then the Governor is authorized to make a requisition upon the President of the United States, for troops.⁵

It is, however, to the credit of Iowa that at a comparatively early date in the history of the State the legislature turned its attention to the preservation of Iowa's wild-life. The first Iowa law concerning game was enacted in 1857, and the first with respect to fish in 1862.⁶ Since that time fish and game legislation has in general followed two main lines of development. The first of these involves those laws which provide for the protection of fish and game by limiting hunting and fishing. The second comprises that legislation which seeks to increase the natural supply of fish and game by making provision for artificial propagation and related expedients. The first is negative, the second positive; both are needful in any comprehensive wild-life legislative program. In the organization of this thesis the two-fold aspect of the legislation to be considered has been kept in mind.

An historical record of the fish and game laws of Iowa is a good example of what may be called evolutionary legislation. The first laws were passed when but little of the wild-life of Iowa seemed to require governmental protection, when there were standing fish and game committees in neither the House nor the Senate and when there was no fish or game administrative organization of any sort. From these simple beginnings the legislation has expanded to a point where, in the *Code of 1924*, the laws concerning fish and game comprise ninety-one sections and eleven pages. To portray to the best advantage this evolutionary character of the legislation, it has seemed wise to follow the

⁵ *Journal of the Senate*, 1856, p. 123.

⁶ *Laws of Iowa*, 1856-1857, Ch. 164, 1862, Ch. 4.

chronological plan of recording legislative acts and administrative procedure.

Finally it is hoped that this thesis, in addition to whatever historical interest it may have, will, by indicating the trend of fish and game legislation in the past, suggest to some degree the course which should be taken by the wild-life laws of the future.

II

THE EVOLUTION OF THE FISH AND GAME DEPARTMENT

This chapter might have been headed "The Organization of the Fish and Game Department", but such a title would not have been sufficiently comprehensive. For the object of this chapter is not only to explain the development of the department itself, but, by going back many years before there was even a suggestion of a fish and game department, to relate the steps in the acquirement of a legislative attitude with respect to the problem of the perpetuation of Iowa's wild-life which were to lead finally to the establishment of an administrative department.

Prior to the Twelfth General Assembly there was no fish or game committee, special or standing, in either the House of Representatives or the Senate. Bills relating to fish or game in either house had, in general, been referred to the Committee on Agriculture, with the exception of those involving the expenditure of public funds, which had been referred to the Committee on Appropriations.

Reference of fish and game bills to the agricultural committees, however, was scarcely a logical procedure. It could be justified, to be sure, on the grounds that the bills pertaining to fish and game introduced in those early days were few in number, and that a goodly portion of the bills

which did refer to wild life aimed, as noted in the preceding chapter, at the destruction of wolves because of their menace to the farmer. But with the increase in the number of wild-life bills introduced, and the shift in emphasis from wolf destruction to wild animal conservation, the need for a more specialized consideration of bills pertaining to fish and game became evident.

The House was the first to recognize this need. On January 25, 1868, during the session of the Twelfth General Assembly, a Special Committee on Game was appointed by the chair; and in the following General Assembly a Special Committee on Fish was appointed in the same manner.⁷

But if the House had taken the lead in the matter of special committees on fish and game, the Senate was the first to appoint standing committees on these subjects. In the Fifteenth General Assembly a resolution was offered in the Senate to the effect that a Committee on Fish and Game be added to the Senate standing committees, and on January 28, 1874, its members were announced. Just one day later, however, the House followed suit in providing for a standing Fish and Game Committee.⁸

A law, providing for a State Board of Fish Commissioners, enacted by the Fifteenth General Assembly, marked the beginning of the fish and game department itself. A bill introduced in the House by Representative Jacob W. Dixon, aside from its provisions relative to organization, comprised various protection and propagation clauses which will be considered in subsequent chapters. The newly appointed Fish and Game Committee, to which the bill was referred, reported the bill favorably, and it was passed by a large

⁷ *Journal of the House of Representatives*, 1868, p. 118, 1870, p. 294.

⁸ *Journal of the Senate*, 1874, pp. 10, 35-37; *Journal of the House of Representatives*, 1874, pp. 91, 106.

majority. In the Senate, despite the fact that the bill was compelled to run the gauntlet of the Sifting Committee, it triumphed by a vote of 39 to 7.⁹

The act provided for the appointment by the Governor for a term of two years of "three competent persons who shall be known as the State Fish Commissioners". The duties of the Commissioners were declared to be two-fold — fish protection and fish propagation. That the diminution of the supply of fish in Iowa waters was already regarded as a matter of concern is evidenced by the declaration in the act that it shall be the duty of the Commissioners "to forward the restoration of fish to the rivers and waters of this state, and to stock the same with fish as they may be supplied with means for that purpose by the United States fish commissioners and by societies and individuals interested in the propagation of fish in the waters of the state." The salary of each Commissioner was fixed by the act at \$200 per year.¹⁰

But the Fish Commission was destined to be of short duration. The very next Assembly — the Sixteenth — passed an act declaring that in place of the "three competent persons" provided for by the act just discussed there should be but one "competent person". The salary of the Commissioner was fixed at \$1200 annually.¹¹

An examination of the first report of the State Fish Commissioners (required by the act authorizing their appointment), reveals the reason for the change from the board of three to the single commissioner plan. It appears that the board had organized by electing one of their number

⁹ *Journal of the House of Representatives*, 1874, pp. 239, 456, 489, 490; *Journal of the Senate*, 1874, pp. 345, 352, 415.

¹⁰ *Laws of Iowa*, 1874 (Public), Ch. 50.

¹¹ *Laws of Iowa*, 1876, Ch. 70, Sec. 12.

president, another treasurer, and a third secretary and superintendent.¹² The superintendent had been authorized to "attend to the practical work of the commission"; and an examination of the first report reveals unmistakably that he had done so. Indeed it is apparent from the report that the accomplishments of the Commission were essentially the work of the secretary and superintendent, the two other members having served in an almost purely advisory capacity. The legislature simply gave legal sanction to a situation which already virtually existed.

Legislation of the Sixteenth and Seventeenth General Assemblies, as will be pointed out in subsequent chapters, added materially to the responsibilities of the Commissioner. Doubtless partly on this account and also because of the growth of popular interest in fish culture, the Eighteenth General Assembly made provision for an Assistant Fish Commissioner. Like his superior, the assistant was to be appointed by the Governor for a two-year term. Although his work was to be under the general direction and supervision of the Commissioner, the assistant was to reside in Dickinson County and was to maintain a fish hatching house at "some suitable place" in that county, presumably, of course, within easy access of Spirit Lake. The modest salary of \$600 was to be paid only "after it is made to appear to said [Executive] council that the work of hatching and rearing fish is being successfully carried on at said establishment". In addition to his specific and primary duty of fish culture, the Assistant Commissioner was required to enforce the fish laws, and, in general, to supervise the fish interests in that part of the State to which he was assigned by the law.¹³ That the provision for an

¹² *Biennial Report of the State Fish Commissioners of Iowa, 1874-1875*, p. 10.

¹³ *Laws of Iowa, 1880*, Ch. 156.

Assistant Commissioner had the approval of the people — particularly those of northern Iowa — is evidenced from the petitions which were sent to the House requesting such action by the Eighteenth General Assembly.¹⁴

But the department was not without its opponents. During the Twentieth General Assembly two bills looking toward the abolition of the Fish Commission (as the department was still officially designated) were introduced in the House. One of these bills, although the Committee on Fish and Game recommended that it be indefinitely postponed, was actually approved by two of the five members of the committee, a minority report favoring the passage of the bill being presented by them. The other bill, covering the same subject as the first, was indefinitely postponed.¹⁵ In the Senate no such violent opposition to the department appears to have developed.

In the House, however, opposition reappeared in the course of the Twenty-first General Assembly, when another attempt was made to abolish the department. The Fish and Game Committee recommended that this bill, like the one in the previous Assembly, be indefinitely postponed, one member of the committee dissenting. The reason given for his position doubtless expresses the general attitude of those who questioned the value of the department. He said: "I understand from the report of the present Fish Commissioner that the stocking of the creeks and rivers with fish from which the people was to reap benefits sufficient to pay them for the money expended has proved a total failure, and with nearly forty thousand dollars expended with ten years experience ought to be sufficient to satisfy the most credulous that the fish commission is a

¹⁴ *Journal of the House of Representatives*, 1880, pp. 13, 28, 128.

¹⁵ *Journal of the House of Representatives*, 1884, pp. 64, 123, 212, 213.

failure; for this reason I recommend that the bill do pass."¹⁶

That the legislature did not act upon his recommendation may be put down as due to several considerations. The report referred to had been submitted by a Commissioner who was unalterably opposed to the introduction of new varieties of fish into Iowa waters and his report rather scathingly criticized the former Commissioner for his efforts to plant in Iowa rivers and lakes fish previously unknown to them. And it must be said that this criticism was not entirely unfounded. But the report in question did not condemn the artificial propagation of the fish native to Iowa, which the former Commissioner had ardently promoted. Indeed, it emphasized the need for such work. The minority report on the bill to abolish the department also failed to take into consideration the second primary function of the Fish Commissioner — that of fish protection. To have abolished the department at that time would not only have brought an end to the culture, so auspiciously begun, of the native fish of Iowa, but would also have done away with the agency to which the enforcement of the fish laws was specifically entrusted, at a time when the people of the State were clamoring for such enforcement.¹⁷

The Twenty-first General Assembly, however, though not abolishing the department itself, did bring to an end the office of Assistant Fish Commissioner. The initiative in this matter was taken by the Senate where two bills with this object in view were introduced, one of which was endorsed by the Fish and Game Committee.¹⁸ The bill which

¹⁶ *Journal of the House of Representatives*, 1886, pp. 142, 427.

¹⁷ *Biennial Report of the State Fish Commission of Iowa*, 1883-1885, pp. 5-15, 26, 27.

¹⁸ *Journal of the Senate*, 1886, pp. 319, 370, 530, 531.

finally became a law, however, was a substitute for one of the original bills, and was put forward by the Senate Committee on Appropriations. In addition to declaring the office of Assistant Fish Commissioner abolished, the act provided for the location of the State fish hatching house at Spirit Lake, rather than at Auamosa as formerly, and for the sale of the hatchery property in Jones County, except such part of it as could be readily transferred to Spirit Lake. Thus, although the office of Assistant Fish Commissioner was abolished by the act, the center of activities of the Commissioner was transferred to the place which had up to this time been the headquarters of the assistant.¹⁹

The "war on the fish department" was continued during the Twenty-third General Assembly when both in the House and in the Senate bills were introduced providing for the abolition of the Commission. All of these were reported with the recommendation of indefinite postponement,²⁰ and there were no minority reports favoring the bills, as there had been with respect to the similar bills of the Twentieth and Twenty-first General Assemblies.

No change in the organization with respect to fish and game matters was made until 1897 when the Twenty-sixth General Assembly, in extra session for the purpose of amending and codifying the laws, changed the Fish Commissioner's title to that of Fish and Game Warden and increased his term from two to three years. This change had been urged by Commissioner T. J. Griggs who wrote that he had received "two hundred or more letters from all parts of the State" requesting him "to come immediately and enforce the game law, as the manner in

¹⁹ *Laws of Iowa*, 1886, Ch. 155.

²⁰ *Journal of the House of Representatives*, 1890, pp. 145, 356; *Journal of the Senate*, 1890, pp. 93, 513.

which game was being slaughtered out of season was a disgrace to the State.”²¹

The same act gave legal authorization to the appointment of deputies by the Warden, a power which had already been exercised extralegally. They were to “serve without expense to the state” and were “to report to the warden all violations of the fish and game laws and aid him in the enforcement thereof.”²²

This provision for deputy wardens, however, was deficient in two respects. It failed to endow the deputies with the power necessary for them to be truly effective law enforcement agents; indeed their powers were no greater than those of the ordinary citizen. In the second place, the act did not provide for their regular payment. Their only possible compensation was a part of the costs which every person prosecuted and convicted for violation of the fish and game laws was expected to pay in addition to his fine. But even such payment was uncertain.

The Wardens, as might be expected, consistently urged the placing of the deputy system upon a more substantial basis. As far back as 1882 the Assistant Fish Commissioner had said in this connection: “I would suggest that the law be made so as to have fish and game wardens, as is now being done in various States. Give these wardens ample powers and reasonable remuneration — enough so that good men would accept the place, and see that the laws are enforced.”²³

Failure of the act of 1897 to endow the deputies with suf-

²¹ *Code of 1897*, Sec. 2539; *Biennial Report of the State Fish Commission of Iowa*, 1892-1893, pp. 15, 16.

²² *Biennial Report of the State Fish Commission of Iowa*, 1894-1895, p. 10; *Code of 1897*, Sec. 2562.

²³ *Biennial Report of the State Fish Commission of Iowa*, 1883-1885, p. 61.

ficient power was remedied in some measure by the State legislature in 1898 when an act of the Twenty-seventh General Assembly authorized the deputies to seize *without a warrant* fish or game illegally taken or unlawful devices used in such taking. This act will be examined more closely in another chapter.²⁴ But this act did nothing to remedy the second defect in the act of the Twenty-sixth General Assembly — the non-provision for the regular payment of the deputies. It was chiefly because of this that the Fish and Game Warden said: "In many instances the deputy warden system . . . is a failure".²⁵

"The system", said a later Warden, "is wrong and should be changed". And in a later report the same Warden remarked that under the prevailing status of deputy wardens, it was impossible "to secure efficient men for this work . . . and it will never be any different until the system . . . has been changed."²⁶

Finally, in 1909, the efforts for reform were rewarded, and the legislature made definite provision for the regular payment of the deputies. They were to receive \$2.50 per day in addition to their actual and necessary expenses — a very modest stipend, to be sure, but sufficient to effect the much desired change in the status of the deputies.²⁷ It must have been with peculiar pleasure that the Warden wrote:

I find much more interest manifested by them [the deputies] in their work from this fact [the provision for their regular payment]

²⁴ *Laws of Iowa*, 1898, Ch. 64.

²⁵ *Biennial Report of the State Fish and Game Warden of Iowa*, 1898-1899, p. 6.

²⁶ *Biennial Report of the State Fish and Game Warden of Iowa*, 1902-1903, p. 10, 1907-1908, p. 6.

²⁷ *Laws of Iowa*, 1909, Ch. 153, Sec. 9.

and the knowledge that the responsibility of enforcing the law now rests with them as State officers. They feel that the purpose and enforcement of the fish and game laws are to protect the wild life of the forest, fields, lakes and streams, from the wanton and wasteful destruction, and as it has been settled in many courts that the State fish and wild game belongs to all the people and not to a favored few, they understand that their duty is to see that all persons, no matter what their station in life, obey the laws of the state.²⁸

In 1909, by another act of the legislature, the Fish and Game Warden, along with a number of other appointive State officials, was declared to be subject to removal for any one of nine specific reasons. Another act of the same Assembly provided that the Warden should be compensated for "his necessary traveling, contingent, and office expenses" in addition to his salary.²⁹ Two years later the General Assembly increased the Warden's salary from \$1200 to \$1600, the Thirty-fifth General Assembly raised it to \$2200, the Thirty-eighth to \$2400, and the Thirty-ninth to \$2700.³⁰

The department was further expanded in 1913 when the legislature provided for three assistant fish and game wardens, the annual salary of each being originally fixed at \$1200.³¹

Recognition by the legislature of the importance of the office of Fish and Game Warden was clearly evident when the Fortieth General Assembly, in extra session in 1924 for the purpose of amending and codifying the laws of the State, increased the Warden's term of office from three to

²⁸ *Biennial Report of the Fish and Game Warden of Iowa, 1909-1910*, p. 5.

²⁹ *Laws of Iowa, 1909*, Chs. 77, 152.

³⁰ *Laws of Iowa, 1911*, Ch. 116, 1913, Ch. 203, 1919, Ch. 272, 1921, Ch. 340, Sec. 33.

³¹ *Laws of Iowa, 1913*, Ch. 203.

four years and made his appointment subject to confirmation by the Senate.

Ever since 1897 when provision for deputy wardens had first been made the Warden himself had been permitted to fix the number of these, though in practice he had, of course, been restricted by the amount of money available for this purpose. But in accordance with the policy of the Director of the Budget the Forty-first General Assembly limited the number of deputies in the fish and game department to forty.³²

Before concluding this chapter a word should be added concerning the method of legislative provision for the financial support of the fish and game department.

Beginning with the Fifteenth General Assembly in 1874 and continuing (with an exception to be noted in the chapter on fish propagation) until the Thirty-third General Assembly in 1909, a biennial appropriation was made for the work of the department. With the inauguration of the non-resident hunters' license system in 1900 (to be discussed in detail in the chapter on game protection) provision was made that the license fees derived from this source should be used "to defray the expenses of enforcing the law for the protection of game";³³ but biennial appropriations for the general work of the fish and game department continued to be made.

With the passage of the resident hunters' license law in 1909, the legislature provided that "any appropriation made by the general assembly for the use of the state fish and game warden shall not be drawn upon until the fund arising from license fees shall be exhausted." The Thirty-fourth General Assembly provided for the payment of the

³² *Code of 1924*, Sec. 1708; *Laws of Iowa*, 1925, Ch. 218, Sec. 55-a2.

³³ *Laws of Iowa*, 1900, Ch. 86.

salary of the Warden himself from the fund created by the license fees.³⁴ Since 1909, in fact, not a penny has been appropriated for the regular work of the fish and game department, though the legislature continues to fix the salaries of the Warden, his assistants, the keeper of the game farm, the deputies, and the employees of the department.³⁵ But neither the money for these salaries nor the funds necessary to defray the other expenses of the department are appropriated from the State treasury, for the department is financially self-supporting. The people who hunt and fish pay for its maintenance by fees and licenses.

III

FISH PROTECTIVE LEGISLATION

Only within very recent times have the general fish protective laws of Iowa applied to those portions of the Mississippi and Missouri rivers within Iowa's jurisdiction and to the boundary portion of the Big Sioux and Des Moines rivers. For these four rivers — or, more precisely, for the boundary parts of them — special legislation has been enacted. The laws pertaining to the protection of fish in the interior public waters of the State will be first considered, after which the legislation concerning the boundary rivers will be reviewed and analyzed.

THE INTERIOR WATERS OF IOWA

The first fish granted protection by the legislature of Iowa was the trout. A bill to provide for this protection was introduced in the Senate of the Ninth General Assem-

³⁴ *Laws of Iowa*, 1909, Ch. 154, Sec. 12, 1911, Ch. 116, Sec. 1.

³⁵ *Laws of Iowa*, 1919, Ch. 272.

bly, read the prescribed two times, and referred to the Committee on Agriculture. Four days later Senator A. M. Pattison, the chairman of the committee, reported that "The Committee on Agriculture to whom was referred Senate File No. 43 . . . have instructed me to report the same back without amendment, and unanimously recommend its passage." To permit immediate action on the bill, the rule regularly applying was suspended, the bill was read a third time, and was then passed by a vote of 33 to 1.³⁶ Two days later the House, without amending the bill and apparently without debate, took similar action, the vote of that body being 76 to 1.³⁷ On February 5, 1862, the bill received the Governor's signature. Thus auspiciously was the policy of the protection of game fish in Iowa waters inaugurated.

The bill prescribed that the only lawful means of taking trout was by hook and line. To emphasize this restriction, there were listed a number of the devices previously used for trout fishing which were declared illegal. These included the "net, seine, weir, basket, spear grapple, trap or any other device, whatsoever, except a hook and line." Between September 15th and December 31st of each year no trout were to be taken, even by hook and line; and the having in possession of any trout during this period was to be regarded as "prima facie" evidence of the illegal taking of the same. The fine for each trout illegally taken was fixed, in ordinary cases, at three dollars; but if a property owner brought to justice a violator of the law taken in the act upon the owner's premises, then the fine might be any sum between three and fifty dollars, "to be paid one moiety to the complainant and one moiety to the

³⁶ *Journal of the Senate*, 1862, pp. 97, 114.

³⁷ *Journal of the House of Representatives*, 1862, pp. 188, 189.

Clerk of the District Court of the county for the use and benefit of the schools of said county.”³⁸

Perhaps the greatest artificial menace to the fish was the mill-dam. From time immemorial mills have been built on the banks of rivers to take advantage of the power provided thereby. But the utilization of such power, of course, requires the building of a dam. Now the ordinary mill-dam is an effective barrier to the passage of fish. For this reason at an early date it was urged that fishways—or passages—be embodied in dams, thus facilitating the movement of the fish up and down the rivers.

As early as the Tenth General Assembly petitions were received in the Senate asking for a law regulating the construction of mill-dams in such a way as to require provision for fishways. Indeed a bill to this effect had already been introduced, although the Committee on Agriculture to which the bill was referred recommended indefinite postponement of the subject of fishway legislation. But some days later—perhaps because a second petition had been received making the same recommendation as the first—the bill was referred to a special committee of five which apparently never reported it.³⁹

The agitation for mill-dam regulation was continued in 1866 when a petition was received by the legislature from one hundred and fifty-one citizens of Black Hawk County urging that a law be enacted “compelling the owners of dams on the Cedar River to construct in said dams an opening which will permit the passage of fish through or over them”.⁴⁰ In this case the petition was referred to the Committee on Commerce “to rest in peace”.

³⁸ *Laws of Iowa*, 1862, Ch. 4.

³⁹ *Journal of the Senate*, 1864, pp. 121, 301, 309, 420.

⁴⁰ *Journal of the Senate*, 1866, p. 288.

But the general issue was by no means dead. Petitions looking toward the enactment of fish protective laws were received in the House during the Eleventh General Assembly, and a bill with this end in view was introduced. A motion to table this bill being defeated, a vote was taken upon it. Ten more voted for the bill than against it, but since a constitutional majority was lacking—eighteen representatives being absent at the time—the bill was lost.⁴¹ During this session a bill was introduced in the Senate which would have prohibited fishing with seines or continuous nets, but it was ahead of its time and seems never to have been reported out of the Committee on Commerce to which it had been referred.⁴²

The fight to secure a fish protective law was carried a step further in the Twelfth General Assembly and such a bill was actually passed by the House.⁴³ But it was adversely reported by the Judiciary Committee of the Senate, and despite petitions urging the passage of such a law, it was tabled by a vote of 29 to 19.⁴⁴

The struggle continued in the Thirteenth General Assembly, the petitions received asking particularly for the construction of fishways in dams.⁴⁵ This time, in response to the demand, a bill was introduced in the House by the chairman of the Special Committee on Fish, and although the bill did not become a law the following report of the committee at the time of the bill's introduction is worth noting:

Your Committee to whom were referred several petitions for the enactment of a law for the preservation of fish report that they

⁴¹ *Journal of the House of Representatives*, 1866, pp. 467, 702.

⁴² *Journal of the Senate*, 1866, p. 312.

⁴³ *Journal of the House of Representatives*, 1868, pp. 210, 266.

⁴⁴ *Journal of the Senate*, 1868, pp. 286, 435, 454, 455, 527.

⁴⁵ *Journal of the House of Representatives*, 1870, pp. 107, 340.

have had the same under consideration, and that they have prepared a bill in accordance with the prayer of said petitioners, and they recommend that it do pass.⁴⁶

The bill passed the House by a vote of 51 to 33, but a motion to reconsider prevailed and pressure of other business apparently prevented the bill from again coming to a vote.⁴⁷ In the Senate a bill for fish protection was allowed to die in the Committee on Agriculture to which it had been referred.⁴⁸

In the Fourteenth General Assembly, however, the struggle for a fish protection law met with a measure of success. A bill which aimed primarily to discourage the use of fishing devices other than that of hook and line having passed the House,⁴⁹ the following amendment was offered in the Senate: "*Provided*, That the owner of every dam across any stream in this State shall build a good and sufficient shute or crossway over such dam."⁵⁰

This amendment was lost, but the bill itself passed the Senate by a vote of 35 to 9,⁵¹ and being signed by the Governor became a law upon its subsequent publication in the newspapers as prescribed in the publication clause of the bill.

The original bill was more drastic than that which was finally enacted. As introduced the bill prohibited the use of any device in fishing except that of hook and line.⁵² But as finally enacted, the bill permitted the use of the spear

⁴⁶ *Journal of the House of Representatives*, 1870, pp. 521, 526.

⁴⁷ *Journal of the House of Representatives*, 1870, pp. 522, 526.

⁴⁸ *Journal of the Senate*, 1870, p. 183.

⁴⁹ *Journal of the House of Representatives*, 1872, p. 663.

⁵⁰ *Journal of the Senate*, 1872, p. 561.

⁵¹ *Journal of the Senate*, 1872, p. 562.

⁵² *Journal of the House of Representatives*, 1872, p. 103.

and the snare, though it barred the "net, sein, weir, basket, trap, or any other device whatsoever" with the exceptions noted above. A fine of five dollars was imposed for every fish taken in violation of this provision. The clause concerning violators who were also trespassers was similar to that of the act passed by the Ninth General Assembly pertaining to trout.⁵³ The Fourteenth General Assembly, in extra session for the purpose of codifying and revising the laws of Iowa, added the gun to those devices by which fish might be legally taken.⁵⁴

But during the Fifteenth General Assembly, in which various petitions asking for the further protection of fish had been introduced,⁵⁵ a law was enacted which, though it by no means solved the problem of provision for the free passage of fish, made a good start in this direction. Two distinct problems were presented with respect to fishways, — providing for fishways in dams not yet constructed and providing for fishways in dams already constructed. The legislature faced the first of these problems squarely and enacted the following:

It shall be the duty of any person or persons, or corporations, hereafter erecting or constructing any dam in any of the rivers within the state . . . to put in or upon the same, fish-ways, under the direction and approval of said fish commissioners, without which every such dam shall be deemed a public nuisance . . . and the person or persons constructing a dam, in violation of this section, shall be liable to a fine of ten dollars for each day such dam shall be continued without a fishway, such as shall be required by the commissioners under this act.⁵⁶

⁵³ *Laws of Iowa*, 1872, Ch. 54.

⁵⁴ *Code of 1873*, Sec. 4052.

⁵⁵ *Journal of the Senate*, 1874, p. 154; *Journal of the House of Representatives*, 1874, pp. 132, 159, 307.

⁵⁶ *Laws of Iowa*, 1874, Ch. 50, Sec. 5.

But in handling the second problem—that of making provision for fishways in dams already constructed—the legislature was far more cautious. It merely directed the Fish Commissioner to make a study of the problem and to recommend to the next General Assembly ways and means whereby existing dams might be provided with fishways “without doing injustice to the owners of such dams.”⁵⁷

The same act prohibited the use of other obstructions to the passage of fish, such as the placing across streams, ponds, or lakes of seines, nets, or weirs. And the use of all nets or seines of a mesh less than two inches was prohibited, except for the catching of minnows for bait. The poisoning of fish by means of lime, ashes, and other substances was also forbidden. Fishing within half a mile of dams containing fishways except with hook and line or spear was declared to be illegal.⁵⁸

In 1875, as has been pointed out in a previous chapter, the first report of the Fish Commission was made public. In this report—as, indeed, in many subsequent biennial reports—much emphasis was placed upon the need for more drastic fishway legislation. There was some question as to whether the legislature had sufficient power to require owners of dams constructed prior to the act of the Fifteenth General Assembly to construct fishways therein. The report of the Fish Commission quoted extracts from opinions of cases which had arisen in the Supreme Court of the United States and the supreme courts of the States of Massachusetts and Pennsylvania in which the right of the legislature to require the incorporation of fishways in dams which were not so provided was conceded. In view of this fact the report went on to say:

⁵⁷ *Laws of Iowa*, 1874, Ch. 50, Sec. 2.

⁵⁸ *Laws of Iowa*, 1874, Ch. 50, Secs. 6, 8, 9.

It is evident that unless fish-ways are made at each dam, the law will work injustice to some. It is impossible to carry out the object of a general improvement without the co-operation of all.⁵⁹

Despite this strong recommendation, the Sixteenth General Assembly took no forward step with respect to fish-way legislation. In so modifying the act of the Fifteenth General Assembly, however, as to permit the erection of obstructions to the passage of fish in specific cases when so ordered by the Commissioner,⁶⁰ the legislature did comply with another recommendation of the first biennial report. The reason for this recommendation appears in a letter to the Superintendent of the Fish Commission, a portion of which is as follows:

I have a peculiar fish question to submit for your consideration. Our lake is now quite high; the water is running out, and with it thousands of fish It seems that our legislators never entertained the idea that fish would run out of the lakes by the ton and never return or make efforts to get back The fish are going, and if we threaten to stop them we are threatened with prosecution under the very law intended to protect fish, and encourage fish culture.⁶¹

The fish protection act of the Sixteenth General Assembly also prohibited the taking of bass or wall-eyed pike between April 1st and June 1st; and closed the months of November, December, and January to the taking of salmon and trout, thus protecting the latter for a greater part of the winter than had the act of the Ninth General Assembly.⁶²

In his second biennial report the Fish Commissioner

⁵⁹ *Biennial Report of the State Fish Commissioners of Iowa, 1874-1875*, pp. 7-9.

⁶⁰ *Laws of Iowa, 1876*, Ch. 70, Sec. 3.

⁶¹ *Biennial Report of the State Fish Commissioners of Iowa, 1874-1875*, p. 35.

⁶² *Laws of Iowa, 1876*, Ch. 70, Sec. 6.

resumed agitation for a more effective fishway law. He again called attention to the fact that the existing law concerning fishways did not apply to dams built before the law was enacted. At the same time the Commissioner pledged his coöperation to owners of mill-dams with a view to the embodying in their dams fishways which would be both efficient and moderate in cost.⁶³

Bills comprising these recommendations were introduced into both the House and the Senate of the Seventeenth General Assembly. The House bill was favorably reported by the Fish and Game Committee, but no action was taken concerning it.⁶⁴ In the Senate two bills involving the construction of fishways were introduced. One of these did not come to a vote, but the other was passed the day it was introduced. The vote of 35 to 3 showed that sentiment for the bill was strong.⁶⁵ In the House the bill encountered some degree of opposition. A motion was made to table it, but this was lost by a vote of 33 to 60. Then two amendments were offered to weaken the bill, but these were both lost. The final vote in favor of the measure was 59 to 33.⁶⁶

The act provided that "within a reasonable time" any owner of a dam must construct "over or across" it a "suitable fishway", and that any dam which was not so altered in accordance with the act was to be "declared a nuisance" and "abated accordingly". A fine of from five to fifty dollars was imposed for the first offense; and of not less than twenty dollars for subsequent violations.⁶⁷

⁶³ *Biennial Report of the State Fish Commission of Iowa, 1875-1877*, pp. 35-37.

⁶⁴ *Journal of the House of Representatives, 1878*, pp. 85, 453.

⁶⁵ *Journal of the Senate, 1878*, pp. 113, 214, 313, 440, 441.

⁶⁶ *Journal of the House of Representatives, 1878*, pp. 613, 614.

⁶⁷ *Laws of Iowa, 1878*, Ch. 188.

But, as pointed out by the Fish Commissioner, the act was unsatisfactory in certain respects. For one thing the terms used were too general. Just how, for instance, was the word "suitable" to be defined; and who was to determine whether or not a fishway constructed under the provisions of the act actually was suitable? Again, how long a period was "a reasonable time"? In the second place, no authority was granted either to the Fish Commissioner or to anyone else to enforce the act. Consequently, in reply to communications stating that the law was not being obeyed and asking its enforcement, the Commissioner was compelled to reply that he lacked the necessary authority. A letter was also received from the chairman of the Fish Commission of Minnesota pointing out that the passage of fish up the streams having their source in Minnesota but flowing into Iowa was impeded by the dams in Iowa which lacked fishways; and that Minnesota was thereby failing, in large measure, to benefit from its stocking of those streams with trout and other game fish.⁶⁸

And so in the early part of the session of the Eighteenth General Assembly two bills, each designed to strengthen the existing fishway legislation, were introduced in the Senate. One of these was reported unfavorably; and the other was at first lost by a vote of 19 to 21, but on motion to reconsider the bill was carried by a majority of nine.⁶⁹

In the House the Senate bill was favorably reported by the Committee on Judiciary. Two amendments which would have rendered the act non-applicable to streams more than seventy-five feet wide or less than twenty-five miles in length and thus would have weakened the bill were voted down. The original vote on the bill was 50 to 40, one

⁶⁸ *Biennial Report of the State Fish Commission of Iowa, 1877-1879*, pp. 9, 54.

⁶⁹ *Journal of the Senate, 1880*, pp. 59, 126, 183, 184, 389, 412, 442.

less than a constitutional majority. On reconsideration, however, the bill obtained a constitutional majority and became a law.⁷⁰

This act required that within thirty days of its taking effect the clerk of the board of supervisors of each county should report to the Fish Commissioner concerning the nature of each dam in that county, whereupon the Commissioner should advise the clerk of the county board relative to the type of fishway which should be constructed in each of the dams so reported. The county clerk was then to serve notice on the owner of each dam to proceed to construct a fishway in accordance with the recommendations of the Commissioner. If the fishway had not been constructed by the owner of any dam within sixty days of the serving of notice, the board of supervisors were forthwith to construct the fishway themselves, the cost to be paid by the owner of the dam, together with an additional twenty per cent of the cost to serve as a penalty.

The act further provided that the county boards of supervisors were to visit the dams in their respective counties periodically with a view to insuring the proper maintenance of the fishways built therein, the owners being required, under penalty, to keep their fishways in repair. Interference by any person with "the free and unmolested passage of any fish within one hundred yards of any dam, or in their transit through any fishway" was declared to be a misdemeanor. Non-enforcement of the provisions of the act by the county board members was also declared to be a misdemeanor.⁷¹

But this law was destined to be short-lived. For one

⁷⁰ *Journal of the House of Representatives*, 1880, pp. 567, 616, 666-668, 669, 670.

⁷¹ *Laws of Iowa*, 1880, Ch. 123.

thing, as pointed out by the Fish Commissioner, it was too drastic. It required the building of fishways in every dam, regardless of whether the stream in question contained any fish or not. Apparently so little attention was paid to the law by the county supervisors that the Commissioner was led to state that "it seems quite clear the law is in advance of public sentiment". He went on to recommend that either legislation be enacted which could be so administered that every dam across a stream containing fish would have incorporated in it a fishway, or in lieu of this that all fishway legislation be repealed.⁷²

A monster petition was presented in the Senate carrying the names of 7419 citizens of eighty-nine counties, asking for the repeal of the fishway laws on the ground "that said laws are unjust and injurious to the manufacturing interests of the State." In the House a bill to repeal the fishway legislation of the Eighteenth General Assembly was passed by a vote of 93 to 0; and in the Senate the vote on the measure was 42 to 0.⁷³ Thus, without a dissenting voice in either house, the General Assembly wiped from the statute books a law which had appeared so auspicious at its passage. It should be remembered, however, that the general law concerning fishways passed by the Seventeenth General Assembly continued in force.

With the close of this period of fishway legislation, the Twentieth General Assembly turned its attention to the limitation of spearing and the sale of fish so taken. A bill to this purpose was introduced in the House and was referred to the Fish and Game Committee from which it was

⁷² *Biennial Report of the State Fish Commission of Iowa, 1879-1881*, pp. 14-23.

⁷³ *Journal of the Senate, 1882*, pp. 33, 143; *Journal of the House of Representatives, 1882*, p. 78.

reported, considerably strengthened by amendments. It passed both the House and the Senate by large majorities.⁷⁴ This bill prohibited spearing from the beginning of November to the end of May in "any of the permanent lakes or ponds, or outlets or inlets thereto". The second section declared that the buying of fish taken in violation of the above provision was unlawful when "knowingly" done. There were the customary detailed provisions concerning the prosecution of offenders and the penalties to be imposed.⁷⁵

Although the sixth biennial report of the Fish Commissioner included many legislative recommendations such as the extension of the law concerning spearing so as to apply to rivers and streams as well as to lakes and ponds,⁷⁶ the only legislation bearing upon fish protection enacted during the session of the Twenty-first General Assembly was an act permitting cities or townships to construct dams across the outlets of meandered lakes within their territory, with the obvious purpose of preventing the escaping of fish therefrom. This act was subsequently amended so as to apply to chains of lakes as well as individual lakes.⁷⁷

The reports of the Fish Commissioner issued between the year 1885 and 1889 were replete with recommendations — specific and general — looking toward the better protection of fish. The most important of these were as follows: forbidding spearing in all State waters between November 1st and the following May 31st, as previously noted; prohibiting the use of explosives, such as dynamite, in the

⁷⁴ *Journal of the House of Representatives*, 1884, pp. 74, 139, 163, 164; *Journal of the Senate*, 1884, pp. 265, 266.

⁷⁵ *Laws of Iowa*, 1884, Ch. 9.

⁷⁶ *Biennial Report of the State Fish Commission of Iowa*, 1883-1885, p. 29.

⁷⁷ *Laws of Iowa*, 1886, Ch. 63, 1888, Ch. 108.

taking of fish;⁷⁸ making the mere ownership of unlawful nets and seines adequate grounds for prosecuting the owner; providing that the ownership of pike and bass during the closed season be sufficient evidence that the fish had been illegally caught; and more definitely prohibiting the use of seines.⁷⁹

A long act of the Twenty-third General Assembly incorporated a number of these recommendations and other supplementary ones. The taking of fish from the waters of Iowa by any method other than by hook and line (which did not except the trot-line) was declared to be illegal except that buffalo fish and suckers might be speared between November 1st and the following March 1st, and minnows for bait might be taken by the use of a net not over five yards in length. It was specifically pointed out, however, that the term "minnows" was not to be construed so as to include young game fish. The closed season on trout was extended to include the months of February and March, but from April 1st to November 1st trout fishing was to be permitted. The closed season on all other game fish, inclusive of bass, pike, and crappies, was declared to be from November 1st to May 15th.

The use of dynamite and other explosives for the killing of fish was declared illegal. Nets and other fishing devices when "used in violation" of the provisions of the act were subject to seizure by the Fish Commissioner and to destruction by judicial order. Fishing in streams which had been stocked with trout either by Iowa or the United States within one year from the time of the stocking was

⁷⁸ *Biennial Report of the State Fish Commission of Iowa, 1885-1887*, p. 11. "The killing of fish by the use of dynamite", said this report, "is perhaps the most wanton destruction known."

⁷⁹ *Biennial Report of the State Fish Commission of Iowa, 1885-1887*, p. 11, 1887-1889, pp. 10, 11.

declared to be illegal, provided the streams were posted "by authority of the State Fish Commissioner wherever a public highway crosses such stream." Perhaps of greatest significance, however, was the clause which, by declaring it to be "the duty of the fish commissioner to see that the provisions of this act are enforced", for the first time specifically vested in the office of Fish Commissioner the enforcement of the protective laws. For help in this work he was empowered "to call to his assistance any prosecuting attorney to prosecute all violations of this act in the county where such violations occur."⁸⁰

No legislation of outstanding importance with respect to fish protection was enacted by the Twenty-fourth General Assembly. The Commissioner, indeed, had not deemed the recommending of such legislation expedient. The act passed by the Twenty-first General Assembly, however, permitting the construction by cities or townships of dams across the outlets of meandered lakes, or, as later amended, chains of lakes, was amended to apply to inlets as well.⁸¹

Throughout the course of the Twenty-fifth General Assembly both the House and the Senate were the recipients of numerous petitions relative to fish legislation. The majority of these opposed any relaxation in the fish protective laws; indeed, at least two asked for more stringent legislation; but two important petitions, one bearing the names of nearly four hundred citizens, urged modification.⁸²

So the legislature, as might have been expected, strengthened the law in one particular, and modified it in another.

⁸⁰ *Laws of Iowa*, 1890, Ch. 34.

⁸¹ *Laws of Iowa*, 1892, Ch. 46.

⁸² *Journal of the House of Representatives*, 1894, pp. 99, 313, 320, 333; *Journal of the Senate*, 1894, pp. 191, 210, 289, 297, 312.

The clause of the act of the Twenty-third General Assembly permitting the spearing of buffalo and suckers during the winter season was repealed; but the closed season on game fish, other than trout and salmon, was limited to the month of April and half the month of May.⁸³ The latter change was unfortunate, for under this law the bulk of the game fish of the State were exposed to winter fishing, one of the evils which had been emphasized by the Commissioner in his tenth biennial report.⁸⁴

When the prohibition against winter fishing for all game fish, except salmon and trout, was removed by the Twenty-fifth General Assembly, the Commissioner commented as follows:

When the Iowa legislature changed the law allowing winter fishing, they gave the fishing interests the most serious blow that could possibly have been legally inflicted. The farmers of the state little thought when they asked for the privilege of catching a few fish in the winter, that criminal poachers by the thousands would take advantage of the opportunity to transact a general business of market fishing In consequence of this winter fishing thousands of fish that should have been spared for the spring spawning were taken and a draught made on the public waters as never before at a season when the fish should have been protected The law should be changed without delay.

The report went on to declare that "the fish house is an abomination that should be declared a public nuisance and by law ordered destroyed by any peace officer. There were thousands of these houses on the public waters last winter, and were used by unprincipled men in which to slaughter fish in every conceivable method. These houses were made receptacles for spears, snares, grab hooks and every in-

⁸³ *Laws of Iowa*, 1894, Ch. 65.

⁸⁴ *Biennial Report of the State Fish Commission of Iowa*, 1892-1893, p. 16.

genious invention known for the unlawful taking of fish. Their abolishment should be speedy and sure.”⁸⁵

Such a strong recommendation could scarcely go unheeded. And so the Twenty-sixth General Assembly, although it did not abolish winter fishing, did declare fish-houses illegal and also prohibited the use of “any stove or other means for creating artificial heat” in the process of fishing through the ice. The penalty for violations was a fine of from ten to fifty dollars and costs, or a jail term of from one to thirty days.⁸⁶

In the same act the legislature attacked another abuse, the abolition of which had also been sought by the Fish Commissioner. This was the use of countless poles and lines at one time by a single fisherman. Indeed the Commissioner had written: “I have seen one man attending about 150 of these lines, and at the same time had from 500 to 600 pounds of choice fish piled on the ice preparatory to shipping to market.” Although the Attorney General, in response to a request by the Fish Commissioner, had declared that in his opinion the term “hook and line” had been intended by the legislature to be construed as meaning “one rod and line”,⁸⁷ the Twenty-sixth General Assembly settled the question by the following moderate provision: “No person shall use more than two lines with one hook upon each line in still fishing, trolling, or otherwise.” The penalty for violation was the same as that for maintaining a fishhouse. The legality of the trot-line was not affected by this act.⁸⁸

It is good to read the commendatory remarks of the Com-

⁸⁵ *Biennial Report of the State Fish Commission of Iowa, 1894-1895*, pp. 6, 7.

⁸⁶ *Laws of Iowa, 1896*, Ch. 80, Sec. 1.

⁸⁷ *Biennial Report of the State Fish Commission of Iowa, 1894-1895*, p. 7.

⁸⁸ *Laws of Iowa, 1896*, Ch. 80, Sec. 2.

missioner with respect to this act. "It is with pleasure", he wrote, "that we note an increasing sentiment in favor of our fish and game laws. . . . A very commendable law passed by the Twenty-sixth General Assembly was the one providing for the abolishment of the winter fish house. This has resulted in much good, as winter fishing, without the spears, suares, and grab hooks usually hidden about these houses, has been reduced to a minimum."⁸⁹

It will be remembered that the general fish protection act enacted by the Twenty-third General Assembly contained a clause providing for the confiscation of illegal fishing devices when found in use. The law did not permit such confiscation when the devices were discovered by the Commissioner at a time when they were not actually employed in the taking of fish. The weakness of the law in this particular was emphasized in the eleventh biennial report of the Commissioner, which cited two instances of the law's inadequacy. In one case the Commissioner came across a large seine drying on a clothes line in a private yard. Although circumstances pointed most decidedly to the conclusion that the net had been used illegally the night previous in the Des Moines River, the Commissioner could not confiscate the net under the existing law. In relating the other incident, the Commissioner said:

Last winter I arrested a man on [Lake] West Okoboji who had two . . . spears in his fish house. A jury discharged him because he swore the spears were not being used to catch or kill fish, but to shove a piece of ice under the water The fact that the man had these spears in his possession in his fish house on the ice, and one of them in his hands in the water, should have been sufficient evidence to convict. Men do not usually have such devices as spears and seines in their possession without they

⁸⁹ *Biennial Report of the State Fish Commission of Iowa, 1896-1897*, pp. 3, 4.

intend to use them, and the law should give an officer power to destroy them wherever found and prosecute their owners.⁹⁰

The Twenty-sixth General Assembly, in extra session for the purpose of revising and codifying the laws, mitigated this evil to some extent by providing that the possession of a spear or seine within ten rods of any of the public waters of the State should constitute "prima facie" evidence of intent to violate the prohibition against the use of the spear or the seine.⁹¹ The Twenty-seventh General Assembly apparently went a considerable degree further in this connection by providing for the confiscation of fishing devices when "had or maintained" for an illegal purpose, as well as when found in actual use. In practice, however, this change appears to have been of no consequence.⁹² The same act permitted the seizure without a warrant by the "fish and game warden, sheriffs, constables, and police officers" of fish illegally taken. Another section of the act forbade the taking of trout, black bass, or wall-eyed pike less than six inches in length.

A further very important provision of the act was the re-prohibition of winter game-fishing. It will be recalled that the Twenty-fifth General Assembly had modified the fish protection law of the Twenty-third General Assembly so as to permit game-fishing (other than for trout and salmon) during the winter season. This act, it will also be remembered, had been strongly disapproved by the Fish Commissioner who had pointed to some of the unfortunate results of this policy. The Twenty-seventh General Assembly reënacted the law concerning this matter as it had

⁹⁰ *Biennial Report of the State Fish Commission of Iowa*, 1894-1895, p. 10.

⁹¹ *Code of 1897*, Sec. 2540.

⁹² *Laws of Iowa*, 1898, Ch. 64, Sec.1; *Biennial Report of the State Fish and Game Warden of Iowa*, 1909-1910, p. 26.

been passed by the Twenty-third General Assembly, thus protecting "bass, pike, crappies or any other game fish" from November 1st to May 15th of the year following.⁹³

No fish protective legislation was enacted by the Twenty-eighth General Assembly, despite the fact that a very comprehensive bill, covering many of the recommendations of the Fish Commissioner not yet acted upon, was passed by the House. One section made more specific and definite the prohibition against having game fish in possession during the closed season. Another section attempted to overcome the legal uncertainty relative to the powers of the Fish and Game Warden by placing his powers of enforcement of the fish and game laws on the same plane as that of sheriffs or constables with respect to law enforcement generally and authorizing the Warden to call upon these "peace officers" whenever he needed their assistance in the enforcement of the fish and game laws. Other provisions of the bill prohibited fishing within four hundred feet of a fishway between March 1st and May 1st, and the having in possession during the closed season in Iowa of fish taken from the waters of other States. The bill also made it the duty of county attorneys to do their part in enforcing its provisions.⁹⁴

The bill passed the House by the encouraging vote of 67 to 20; but in the Senate, although its passage with numerous amendments was recommended by the Fish and Game Committee, the bill never came to a vote, apparently because the report of the committee was not made until the last of March, when the Senate was ready to adjourn.⁹⁵

⁹³ *Laws of Iowa*, 1898, Ch. 64.

⁹⁴ *Journal of the House of Representatives*, 1900, pp. 418-420.

⁹⁵ *Journal of the House of Representatives*, 1900, pp. 764, 765; *Journal of the Senate*, 1900, pp. 853, 854.

At the next session of the legislature, however, an act was passed embodying several important provisions. By including catfish in the six inch minimum length limit, this species of the finny tribe was placed in the same category as bass, pike, and other game fish.⁹⁶

A more important provision of this act pertained to the disposition of illegal fishing devices seized by the Warden or other State officers. The Warden, or other officers, was authorized to "abate and destroy" any and all such devices "without warrant or process" and without the assumption of any liability, whatsoever, for damages.⁹⁷ In this connection it may not be amiss to note that the Supreme Court of the United States in the case of *Lawton v. Steele* (152 U. S., 133) had upheld a similar law passed by the legislature of the State of New York.

Another important provision of this act was the imposition of a much severer penalty for the use of dynamite or other explosives in the taking of fish. Such action had been strongly recommended in the thirteenth biennial report of the Warden in which he had said: "We know of instances where thousands of choice small fish have been killed in this inhuman manner in order that the perpetrators might secure a few large ones." And in the next report the Warden wrote: "The crime of dynamiting is the most inhuman of those within the warden's province, and also the most difficult to deal with."⁹⁸ Fortunately the abominable practice was dealt a severe blow by the act of the Twenty-ninth General Assembly, which imposed a minimum fine of fifty dollars for the use of dynamite or other explosives in the

⁹⁶ *Laws of Iowa*, 1902, Ch. 103, Sec. 2.

⁹⁷ *Laws of Iowa*, 1902, Ch. 103, Sec. 1.

⁹⁸ *Biennial Report of the State Fish and Game Warden of Iowa*, 1898-1899, p. 7, 1900-1901, p. 8.

taking of fish.⁹⁹ This action was warmly praised by the Warden.¹⁰⁰

The same act permitted the suspension by the Warden of the law against seining to such an extent as to permit the removal by this method from the State waters of carp, buffalo, and other "rough fish". This also was in accordance with the recommendation of the Warden who had pointed out that these fish "are destructive to the spawn of other fish, and are difficult to be ensnared, inasmuch as they will not bite at the ordinary hook."¹⁰¹ Specifically, the act authorized the Warden to grant written permits to "whomsoever he may see fit" in order that they might "take from certain designated portions of the waters of the state, buffalo, carp, quill backs, red-horse, suckers and gar". No fish were to be so removed, however, except in the presence of "the warden or one or more of his regularly constituted deputies, without expense to the state."¹⁰²

The act limited the number of game fish to be taken in any one day by a single individual to forty, although the Warden had recommended a limit of twenty-five.¹⁰³

Finally, in response to a general recommendation by the Warden, the act prohibited the taking of fish within three hundred feet of a fishway.¹⁰⁴ This was more drastic, even, than the law of Minnesota on the subject, cited by the

⁹⁹ *Laws of Iowa*, 1902, Ch. 103, Sec. 5.

¹⁰⁰ *Biennial Report of the State Fish and Game Warden of Iowa*, 1902-1903, p. 5.

¹⁰¹ *Biennial Report of the State Fish and Game Warden of Iowa*, 1900-1901, p. 8.

¹⁰² *Laws of Iowa*, 1902, Ch. 103, Sec. 6.

¹⁰³ *Biennial Report of the State Fish and Game Warden of Iowa*, 1900-1901, p. 9.

¹⁰⁴ *Biennial Report of the State Fish and Game Warden of Iowa*, 1898-1899, p. 8; *Laws of Iowa*, 1902, Ch. 103, Sec. 4.

Warden in his report, for the Minnesota law prohibited the taking of fish within only one hundred feet of a fishway.

Another law of the Twenty-ninth General Assembly provided for the construction of a fishway in the Bonaparte Dam. Before discussing this, however, it may be well to note the status of fishway legislation in general at this period.

It will be called to mind that despite the repeal of the vigorous fishway enforcement act enacted by the Eighteenth General Assembly, the general law requiring the placing of fishways in dams, enacted by the Seventeenth General Assembly, was still in force. The constitutionality of this law had been upheld in the Supreme Court of Iowa in 1899 in the case of *State v. Beardsley*,¹⁰⁵ reversing the decision of the district court which had decided against the State. This case, emphasizing as it does the public interest in fish protection, and some of the difficulties, is worthy of some little attention.

The defendant was the owner of a dam in Skunk River which had been built some years before the passage of the act in 1878 requiring the construction of fishways. Due to the fact that the defendant had neglected, "and still neglects and refuses", to construct a fishway in the dam, the suit was brought to adjudge the dam a nuisance to be abated in accordance with the law.

The defendant alleged, in the first place, that to require him to construct a fishway was depriving him of property without due process of law. But, declared Justice Charles T. Granger:

It is a well-settled law that one riparian owner has not the right to so use the stream as to unreasonably deprive other riparian owners of rights common to all Fish and Game are so

¹⁰⁵ 108 Iowa 396.

related to the public welfare that they have, time out of mind, been the subjects of legal control, and their preservation has been very generally a matter of legislative concern.

He went on to prove that this doctrine had been upheld in the Supreme Court of the United States and in State courts. The Supreme Court of the United States in *Holyoke Company v. Lyman*¹⁰⁶ said:

Fisheries . . . are also so far public rights that the legislature of the state may ordain and establish regulations to prevent obstructions to the passage of the fish, and to promote the usual and uninterrupted enjoyment of the right by the riparian owners.

The decision in this case had a wholesome effect, for many owners of dams thereupon constructed fishways.¹⁰⁷ But at the time of the assembling of the Twenty-ninth General Assembly one very important dam still lacked a fishway. This was the Bonaparte Dam located at a strategic point in the Des Moines River, near its junction with the Mississippi. Being without a fishway, this dam effectually blocked the passage of fish which entered the Des Moines River from the Mississippi. For several terms prior to the decision of the Iowa Supreme Court in *State v. Beardsley*, a bill had been introduced in the legislature authorizing the destruction of the dam and providing compensation therefor, but the bill failed to become law.¹⁰⁸ The decision of the Supreme Court in *State v. Beardsley*, however, encouraged the Warden to begin suit against the owners of the Bonaparte Dam to compel the construction of a fishway in the dam. The suit, however, was lost in the district court, and

¹⁰⁶ 15 Wallace (82 U. S. Reports), 500 at 506.

¹⁰⁷ *Biennial Report of the State Fish and Game Warden of Iowa, 1898-1899*, p. 15.

¹⁰⁸ *Biennial Report of the State Fish and Game Warden of Iowa, 1898-1899*, p. 15.

also, on appeal, in the Supreme Court. Because of this the Warden was led to say:

So large a part of the State is affected, and the available supply of fish so greatly depleted by the obstruction of the river, that the matter is of very great public concern. I therefore recommend legislation authorizing the purchase or condemnation of the dam, as the only means of restoring to the people of the state the benefits otherwise denied to them.¹⁰⁹

The Twenty-ninth General Assembly was not deaf to this appeal in behalf of the interests of the people of Iowa. A law was passed authorizing the Attorney General to begin condemnation proceedings against the owners of the dam and providing for the subsequent construction of a fishway.¹¹⁰ In accordance with this act suit was brought, but the jury awarded the owners damages so high — \$40,000 — that the State appealed. While the case was pending, however, Mother Nature herself remedied the long obnoxious situation, for the unusually severe rains of 1903 washed away a large part of the dam, more than sufficient, indeed, to permit the easy passage of fish. And the Warden was informed "by good authority" that should the owners attempt to rebuild, the inclusion of a fishway could be compelled by the State.¹¹¹

Though making no outstanding contributions to the cause of fish protection, the Thirtieth General Assembly made a few alterations in the protective laws which may be briefly noted. It increased the open season for game fish by fifteen days, but it reduced by fifteen days the period during

¹⁰⁹ *Biennial Report of the State Fish and Game Warden of Iowa, 1900-1901*, p. 22.

¹¹⁰ *Laws of Iowa, 1902*, Ch. 201.

¹¹¹ *Biennial Report of the State Fish and Game Warden of Iowa, 1902-1903*, pp. 11, 12.

which the use of a trot-line was permissible. It definitely extended the protection of the law to all bass, whether of the "black" variety or not. And it further provided that no permit should authorize its holder to seine lakes having an area of less than two square miles or between December 1st and June 15th.¹¹²

Not until the Thirty-third General Assembly was additional fish protection legislation enacted. An act of this Assembly, though concerned primarily with game, did contain some provisions relative to fish. The closed season on trout and salmon, which by the Twenty-sixth General Assembly in extra session had been limited to the period between the first days of November and March,¹¹³ was now extended to include the month of October. The maximum number of game fish which might be taken by any individual in one day remained fixed at forty, but a limit of twenty bass, pike, or pickerel was prescribed. The crappie was included with the bass, pike, and other game fish, none of which under six inches in length could legally be taken. The intra-state shipment of game fish for purposes of sale was prohibited. The law passed by the Twenty-ninth General Assembly declaring illegal the taking of fish within three hundred feet of a fishway was amended by the Thirty-third General Assembly so as to permit such taking by hook and line.¹¹⁴

Through a technicality, however — neglect of the Speaker of the House to sign the enrolled bill — the measure did not become a law until it was reënacted by the Thirty-sixth General Assembly.¹¹⁵

¹¹² *Laws of Iowa*, 1904, Chs. 92, 93, 94.

¹¹³ *Code of 1897*, Sec. 2540.

¹¹⁴ *Laws of Iowa*, 1909, Ch. 153.

¹¹⁵ *Laws of Iowa*, 1915, Ch. 290.

The fundamental principle of State ownership of fish in public waters was well set forth in an act passed by the Thirty-fourth General Assembly. "The ownership and title", it declared, "of all . . . fish in any of the public waters of the state . . . is hereby declared to be in the state, and no . . . fish shall be taken . . . except the person . . . shall consent that the title to said . . . fish shall be and remain in the state of Iowa for the purpose of regulating and controlling the use and disposition of the same after . . . taking".¹¹⁶

Of only minor consequence were the changes made in the fish protection laws by the Thirty-fifth General Assembly. The open season for game fishing other than for trout and salmon was extended fifteen days. The spearing of "rough fish" was permitted in the day-time except during March and April. The law prohibiting fishing by means other than hook and line within three hundred feet of a fishway was amended to apply to dams as well. Inasmuch, however, as the law required all dams to have fishways, this last provision was technically unnecessary.¹¹⁷

In two important particulars the fish protective legislation was strengthened by the Thirty-sixth General Assembly. The first of these had to do with the type of fishways which might be constructed in dams. The existing law left this matter to the discretion of the dam owners provided that the fishways were "of suitable capacity and facilities to afford a free passage for fish up and down" the stream or river which the dam obstructed.¹¹⁸ But the Thirty-sixth General Assembly stipulated that the fishway in each case must be constructed in accordance with the plans and speci-

¹¹⁶ *Laws of Iowa*, 1911, Ch. 118.

¹¹⁷ *Laws of Iowa*, 1913, Chs. 204, 205.

¹¹⁸ *Code of 1897*, Sec. 2548.

fications furnished by the Warden for that particular dam.¹¹⁹

The second important action of the Thirty-sixth General Assembly relative to fish protection concerned the seizure of seines and other illegal fishing devices. Despite the legislation of the Twenty-seventh General Assembly in this respect, the Warden or his subordinates were still powerless to seize illegal fishing devices unless found in actual use or within ten rods of the shores of the public waters of the State. The weakness of the law in this respect was emphasized in three consecutive biennial reports.¹²⁰ To quote from the twentieth report:

Seines, traps and other devices are used in the darkness of the night. Large numbers of fish are taken and the small fry destroyed. We are ignorant of this work and only by chance does one of our men find it out. So long as the law remains as it is, not permitting us to seize a seine or prosecute a man for having it in his possession except when in actual use or if found within ten rods of the public waters, it will be impossible to stop this work. If it was unlawful to possess a fish seine the work would be light and unlawful fishing of this kind could be prevented. I can see no reason for the possession of a seine only for the purpose of unlawfully taking fish.

The Thirty-sixth General Assembly heeded this recommendation by repealing the ten rods' limitation and providing that unlawful fishing devices might be seized "wherever found". The same act raised the minimum length of game fish other than pickerel and trout which might be lawfully taken from six inches to eight, established a minimum limit of ten inches for trout, and forbade the taking of pickerel less than twelve inches in length.¹²¹

¹¹⁹ *Laws of Iowa*, 1915, Ch. 276, Sec. 1.

¹²⁰ *Biennial Report of the State Fish and Game Warden of Iowa*, 1909-1910, p. 26, 1911-1912, p. 11, 1913-1914, p. 8.

¹²¹ *Laws of Iowa*, 1915, Ch. 276, Sec. 2.

With one important exception the only positive contribution of the Thirty-seventh General Assembly to the cause of fish protection was an act requiring pumping stations to equip their plants with screens so as to prevent the passage of fish into the station.¹²² A bill which would have permitted the taking by rod, hook, and line, the only legal method of game fishing, except that by trot-line, of an unlimited number of fish per day by a single individual, though passed in the House, was defeated by a narrow majority in the Senate.¹²³

The exception referred to above was the passage of a fishing license law for non-residents. Strictly speaking, the purpose of enacting the law was apparently not so much to limit the taking of Iowa's fish as to afford additional revenue. Every non-resident male over sixteen years of age was forbidden to fish in any of the public waters of the State without first obtaining from the county auditor a license, renewable annually, the fee being two dollars. This fee was raised to three dollars by the extra session of the Fortieth General Assembly. A penalty was provided for non-compliance with the law.¹²⁴

An act of the Thirty-eighth General Assembly, the object of which was to regulate the mussel industry, may properly be reviewed in this chapter. No mussel less than one and three-quarters inches in its greatest dimension could lawfully be taken for commercial purposes. The Fish and Game Warden was authorized to close certain areas to mussel fishing, though not for more than five years at a

¹²² *Laws of Iowa*, 1917, Ch. 81.

¹²³ *Journal of the House of Representatives*, 1917, p. 1657; *Journal of the Senate*, 1917, p. 1788.

¹²⁴ *Code of 1924*, Sec. 1725; *Laws of Iowa*, 1917, Ch. 168. A license system for non-resident hunters had been put in operation many years before.

time, or more than one-half of the total mussel area. The act also comprised detailed restrictions concerning the equipment to be used in the gathering of the mussels. No commercial fisherman might take mussels without securing a special license from the Warden. The cost of this for a resident was two dollars, and for a non-resident twenty-five dollars. All licenses were subject to annual renewal. The law exempted the commercial mussel fisherman of Wisconsin and Illinois from the non-resident license requirement provided these States took reciprocal action with respect to Iowa's mussel fishermen.¹²⁵

The Thirty-ninth General Assembly enacted a special act relative to the black bass. The law apparently added substantially nothing to the measure of protection afforded this fish by the protective laws in general, but it did serve to reiterate that a certain species of game fish—the importance of which was being increasingly recognized—should by all means be protected from the unscrupulous or merely indifferent fisherman. At the same session of the legislature an act was passed prohibiting fishing by trolling from a motor-boat on any of the lakes of the State.¹²⁶

Aside from a law declaring the ownership of the “mussels, clams and frogs” to be vested in the State, the only act of the Fortieth General Assembly relative to fish protection was one making more stringent the regulations under which “rough fish” were to be taken. In no case was a permit to take these fish to be granted for a period longer than one year or to sanction their taking between March 1st and June 15th—the spawning period. Prior to the granting of a permit, a bond to the value of five hundred dollars was to be deposited with the Warden by the individual

¹²⁵ *Laws of Iowa*, 1919, Ch. 98.

¹²⁶ *Laws of Iowa*, 1921, Chs. 212, 256.

making application for the permit. Violation of the conditions under which the permit was granted would result in cancellation of it.¹²⁷

At its extra session for the purpose of law codification and revision the Fortieth General Assembly made a number of changes in the fish protective laws which will be noted. One of these provided for a male resident fishing license applicable only to the "stocked meandered lakes" of the State. For fishing in the streams and unstocked public lakes, no license was necessary for a resident. Technically, however, a lake may be considered stocked after one consignment of fish has been placed in it by the Warden or under his direction. The license provision did not apply to residents under eighteen years of age. The same license authorized the holder to hunt as well as to fish. The license, the fee for which was one dollar, was to expire annually but was, of course, renewable. No license was required for fishing in waters within the confines of one's property. If found upon the person of any one other than the person to whom originally issued, the license was subject to revocation.¹²⁸

By an apparent inadvertence of the codifiers, the status of the non-resident with respect to fishing was rendered somewhat uncertain. In the section prohibiting fishing without a license no distinction was made between the resident and the non-resident, the term "male person" being used and the license requirement applying only to fishing in "the stocked meandered lakes of the state". Nevertheless, in the section dealing with fees the resident and the non-resident were treated separately, there being prescribed the payment of one dollar for the fishing of residents in the

¹²⁷ *Laws of Iowa*, 1923, Chs. 28, 32.

¹²⁸ *Code of 1924*, Secs. 1719, 1720, 1722, 1725, 1729.

“stocked meandered lakes” only, but a fee of three dollars for the fishing of non-residents or resident aliens in “any state waters”.¹²⁹ But, as will be noted below, this inconsistency was corrected by an act of the Forty-first General Assembly.

Another provision established the zone system with respect to fishing. Iowa being a large State, its temperature and climate in the northern part is sufficiently different from that of the southern part to make some difference in the spawning periods of the fish and the time of year when it is expedient to take them from the waters by hook and line. By dividing the State into zones — a northern and a southern — different regulations were possible with respect to fishing in each zone. The act prescribed separately the closed season on the different varieties of fish in the northern zone and in the southern. The closed season on black bass was declared to be from December 1st to June 14th in the northern zone, but from November 15th to May 31st in the southern. The closed season on all other game fish except trout or salmon was to be from December 1st to May 14th in the northern zone, but from November 15th to April 30th in the southern. The closed season on trout or salmon for both zones was declared to be from September 1st to April 14th.¹³⁰

The act also reduced the limit of the day’s catch for any one individual from forty to twenty-five, of which not more than ten were to be pike or bass.¹³¹

Minor changes were made with respect to the minimum lengths of fish which might be taken by hook and line. Protection in this respect was, for the first time, accorded

¹²⁹ *Code of 1924*, Secs. 1719, 1725.

¹³⁰ *Code of 1924*, Secs. 1730, 1731.

¹³¹ *Code of 1924*, Sec. 1732.

the yellow perch and the sunfish, the limits of which were fixed by the new legislation at seven and six inches respectively.¹³²

Another section of the act declared unlawful the removal or destruction of a dam by its owner or the alteration of it in such a way as to lower the water level, "without giving written notice to the state game warden ten days prior to such removal or change".¹³³

Another provision required the licensing of wholesale fish markets, the license fee in each case to be ten dollars annually. Each holder of a license was required to submit to the Fish and Game Warden an annual report "of all fish caught or taken from waters under the jurisdiction of this state, which were handled by such licenses."¹³⁴

Although the act continued in effect the general prohibition against the sale or transportation for sale of game fish, it was provided that "one day's catch lawfully taken may be sold, in the immediate vicinity where taken, to an individual for his family consumption, by the party taking such fish." Not more than forty fish, and these not for purposes of sale, might be shipped by any person in one day "except as otherwise provided under license to fish with seine or net or under permit from the state game warden." Shipments of fish taken with licensed nets or seines were to have attached thereto "a tag stating the name and address of the consignor and consignee, the amount of each kind contained therein, the waters from which taken, and that same were taken with licensed nets or seines." The act further provided that the presence among a shipment of fish of a single specimen taken or transported contrary to

¹³² *Code of 1924*, Sec. 1733.

¹³³ *Code of 1924*, Sec. 1742.

¹³⁴ *Code of 1924*, Secs. 1752, 1753.

law was sufficient to subject the entire shipment to seizure by the Warden or his deputies.¹³⁵

With respect to fish, so far as the interior waters of the State are concerned, the legislation enacted by the Forty-first General Assembly was of minor consequence. Sheepshead were added to those fish which might be taken by net or seine from the waters of the State by those holding permits. And the minimum length of the prolific sunfish which might legally be taken, by ordinary methods of fishing, was reduced from six inches to four. The inconsistency in the sections of the code dealing with fishing licenses was corrected, all non-residents being specifically forbidden to fish without a license in "any state waters". Thus the restriction with respect to the fishing of non-residents was more drastic than the original law upon this subject enacted by the Thirty-seventh General Assembly, for that had involved only males over sixteen years of age. But the act of the Forty-first General Assembly applied to non-resident women and children as well as to men. It should be pointed out, however, that no license to fish is required by a resident female or by a resident male under eighteen years of age.¹³⁶

THE BOUNDARY RIVERS

The boundary rivers of Iowa include those parts of the Mississippi, Missouri, and Big Sioux rivers which are in the jurisdiction of Iowa, and a small section of the Des Moines River. The jurisdiction of a State over its boundary rivers, unlike that over its interior waters, is limited to the middle of the main channels of the rivers. Certain powers of the Federal Government, moreover, may be exercised in such a way as to curtail even this measure of juris-

¹³⁵ *Code of 1924*, Secs. 1780, 1783, 1786, 1787.

¹³⁶ *Laws of Iowa*, 1925, Chs. 34, 35.

diction. The important point for us to bear in mind, however, is that if fish protective laws with respect to boundary rivers are to be effective, there should be concurrent legislation upon the part of the States on either side of the river. For what does it profit one of these States to enact stringent laws with respect to fishing on its side of such a river, if the State on the opposite shore is very lax in this respect? The former State would feel that its curtailment of the fishing privileges of its own citizens was simply reacting to the benefit of the citizens of the other State. The difficulty would be in large measure avoided, of course, if the fish would remain within the jurisdictions of their respective States, but there is no evidence that fish have ever regarded their personal activities as subject to common law restrictions.

Concurrent legislation, however, is not easy to bring about. The people of two States — or the legislatures of those States — facing the same problem may not want to solve it in the same way. The legislation of a State, for one thing, will usually keep step with the progress of education in that State, and the standards in this respect of two States are not likely to be identical. Moreover there are other factors which can not be considered here that may render concurrent legislation difficult. It will suffice to observe in introducing the phase of the problem to be discussed in this connection that the legislature of Iowa in general has followed until recently the policy of exempting the boundary rivers from the effects of acts passed with respect to the fish in the waters of the State.

The earliest fish protection laws of Iowa, to be sure, did not exempt the boundary rivers. But the first truly comprehensive fish protection law — that of the Sixteenth General Assembly — contained the following provision: "*Pro-*

vided, that nothing herein contained shall be held to apply to fishing in the Mississippi and Missouri rivers."¹³⁷

The following year the Fish Commissioner, while not specifically advocating that the full measure of the law be extended to the fish in the Mississippi and Missouri rivers, did recommend that some protection be afforded them. He stated that he knew of instances where from thirty to eighty thousand pounds of fish had been taken from the Mississippi at one haul of the seine. For legislation protecting fish in the boundary rivers of the State to be truly effective, however, the States bordering on the Mississippi and Missouri should enact identical laws on the subject.¹³⁸

No action, however, was taken by the legislature at this time. The Eighteenth General Assembly, on the contrary, placed that part of the Des Moines River which served as the boundary between Iowa and Missouri in the same category as the Mississippi and Missouri so far as fish legislation was concerned.¹³⁹

Four years later an attempt was made to extend protection to the fish in the boundary rivers through the introduction in the House of a bill whose object was to repeal the clause of the fish protection act of the Sixteenth General Assembly which had declared the law non-applicable to the Mississippi and Missouri rivers. The bill failed to receive a constitutional majority in the House, though a substitute for it did pass the lower house but failed to come to a vote in the Senate.¹⁴⁰

¹³⁷ *Laws of Iowa*, 1876, Ch. 70, Sec. 10.

¹³⁸ *Biennial Report of the State Fish Commission of Iowa*, 1875-1877, pp. 10, 11.

¹³⁹ *Laws of Iowa*, 1880, Ch. 92.

¹⁴⁰ *Journal of the House of Representatives*, 1884, pp. 152, 218, 456, 457, 481; *Journal of the Senate*, 1884, p. 581.

And when the Twenty-third General Assembly enacted its long fish protection and propagation act — discussed in detail in part one of this chapter and in Chapter IV — it added the Big Sioux River to the other three rivers to which the fishing laws were held not to apply.¹⁴¹

In his tenth biennial report the Fish Commissioner recommended that his jurisdiction over boundary rivers should extend “as far as the State’s jurisdiction extends in criminal cases”.¹⁴²

There was, however, some question as to just what the term “boundary rivers” included. Did the term “Mississippi”, for instance, include the sloughs, bayous, and lakes wholly within the State of Iowa, but remotely connected with the Mississippi, or simply to the main channel of that river? This question was finally settled by the Iowa Supreme Court in the case of *State v. Haug*.¹⁴³ This decision was so important that a measurably complete report of the case is in order here. G. H. Haug was arrested by the Commissioner for seining fish in Big Lake, a body of water three miles north of Lansing, connected by an outlet with the Mississippi River but wholly within the State of Iowa. Haug did not deny the seining but maintained that Big Lake was a part of the Mississippi, and that the provisions of the law prohibiting seining in the public waters of Iowa did not apply to this lake. A lower court decided against Haug, but on appeal to the District Court of Allamakee County, the lower court’s ruling was reversed, Big Lake being declared a part of the Mississippi and thus exempt from the fish protection provisions of the laws pertaining to the waters of the State in general.

¹⁴¹ *Laws of Iowa*, 1890, Ch. 34, Sec. 11.

¹⁴² *Biennial Report of the State Fish Commission of Iowa*, 1892-1893, p. 16.

¹⁴³ 95 Iowa 413.

"As soon as the verdict was learned", wrote the Commissioner, "the lakes, bayous and sloughs on the Iowa side of the Mississippi swarmed with market fishermen, who, taking advantage of the situation, did not confine their work of destruction to the limits of these waters, but were known to go more than a mile up the rivers and creeks that empty into the Mississippi. . . . Under Judge Hoyt's decision I could do nothing to prevent the outrage."¹⁴⁴

In view of this condition it may be well imagined that the decision of the Supreme Court of Iowa, to which the State had appealed, was awaited with trepidation by the Commissioner and all those anxious for the protection of fish in Iowa waters. The opinion of the court, rendered on October 3, 1895, reversed the judgment of the district court and upheld the State's contention that Big Lake was not, within the meaning of the fish laws, a part of the Mississippi.

The facts in the case, the court held, showed that Big Lake had well defined banks, no current, and had not been used for purposes of navigation. These facts of themselves argued that the lake was practically, if not technically, independent of the river; but the court definitely ruled that Big Lake was wholly in the State of Iowa, being from one-quarter to one-half mile removed from the main channel of the Mississippi. It did not, then, serve as a part of the boundary between Iowa and Wisconsin. The intent of the legislature in enacting fish protection laws, the court held, was to protect the fish in waters which were wholly within the limits of the State. The boundary rivers, it is true, had been excepted, but since Big Lake was in no sense a part of the State boundary and was entirely under Iowa's jurisdiction, it was to be governed by the general laws covering fish protection in the waters of Iowa.

¹⁴⁴ *Biennial Report of the State Fish Commission of Iowa, 1894-1895*, p. 9.

But still there were no laws protecting the fish in the channels of the boundary rivers. In the Twenty-fifth General Assembly a bill had been introduced in the Senate, which, by repealing the exemption clause — Ch. 34, Sec. 11 — of the general fish protection law of the Twenty-third General Assembly would have automatically extended the protection afforded by the other provisions of that chapter to all of the four boundary rivers. Although reported favorably by the Senate Fish and Game Committee, the bill apparently never came to a vote.¹⁴⁵

Nor was legislative action taken when in 1899 the Commissioner recommended that the sphere of the fish protective laws be extended to the middle of the main channels of the boundary rivers, although he pointed out that since the seining of fish had been prohibited by Wisconsin and Illinois the fishermen of these States were coming over to the Iowa side to ply a trade in a manner illegal in their own States. The Warden reported that “800 wall-eyed pike weighing from two to five pounds . . . besides a large number of fish of other varieties”, had been taken with one haul of the seine near Sabula, Iowa, by fishermen from Savannah, Illinois.¹⁴⁶

But it was not until 1902 that the legislature took any action whatever with respect to the problem of protection of the fish in the channels of the boundary rivers. And the only action taken in that year was the removal from the exemption class of the Big Sioux River, to which hereafter were to apply the provisions of the fish laws in general. This law was passed unanimously in both houses.¹⁴⁷

¹⁴⁵ *Journal of the Senate*, 1894, pp. 505, 606.

¹⁴⁶ *Biennial Report of the State Fish and Game Warden of Iowa*, 1898-1899, pp. 8, 9.

¹⁴⁷ *Laws of Iowa*, 1902, Ch. 104, Sec. 1; *Journal of the House of Representatives*, 1902, p. 344; *Journal of the Senate*, 1902, p. 604.

The Thirty-second General Assembly, however, attacked the problem in earnest. A bill was passed by a unanimous vote in both houses forbidding seining without an annual license and also prohibiting the actual taking by hook and line of certain designated game fish in those parts of the four boundary rivers within Iowa's jurisdiction.¹⁴⁸ The bill, however, was vetoed by Governor Albert B. Cummins. "I have grave doubt", read his veto message, "whether the State of Iowa can fix the terms upon which fish may be taken from the flowing waters in our boundary rivers; but I would not withhold my approval for this reason alone."

What the Governor considered a more serious defect in the bill was that the size limits of the various fish which might be taken in the boundary rivers, as fixed by the act, were more strict than those which prevailed with respect to fish of corresponding species in the interior waters of the State. "If the bill under consideration were to become a law", the veto message continued, "the sportsman could take with hook and line from the interior waters bass, catfish, pike or trout of six inches or more in length, but could not take them from the . . . boundary streams unless they were of the size prescribed in Section Four. There is no reason for such discrimination. The evidence laid before me shows that the angler rarely catches the kinds of fish mentioned in the bill with his hook and line, as large as there provided, and the practical effect of the law would be to prohibit hook and line fishing in these boundary streams."

The message further pointed out that under the provisions of the act in question and of those acts regulating the buying or selling of game fish, a person purchasing a game

¹⁴⁸ *Journal of the House of Representatives*, 1907, pp. 957, 958; *Journal of the Senate*, 1907, pp. 1051, 1052.

fish of a length between the limit prevailing with respect to the interior waters and that established by the act in question in case of the boundary rivers, might or might not be a criminal, depending upon whether the fish had been taken from the interior waters or from the boundary rivers.¹⁴⁹

Later in the session a bill was introduced in the House containing a provision relative to seining like that in the bill vetoed, but placing no restriction upon the size of fish which might be taken by hook and line from the boundary rivers. It passed the House by a unanimous vote, but reached the Senate only one day before that body's adjournment and was left in the Sifting Committee.¹⁵⁰

At last, in 1909, a law was enacted protecting the fish of the boundary rivers from the ravages of the net and the seine. This law required that a license, renewable annually, must be held by anyone seining any portion of the boundary rivers (including the Big Sioux) within Iowa's jurisdiction. The license fee was fixed at ten dollars for each five hundred feet of seine, and there were additional charges based on the weight of the lead carried by the net and on the supplementary nets used. Prior to the granting of a license a non-resident was required to deliver a bond to the Fish and Game Warden. Tags were to be provided for attaching to the licensed nets. No seine or net of a mesh less than two and one-half inches was to be licensed under the act. No catfish less than ten inches long might be taken by seine or net from the waters of the boundary rivers; or any bass, pike, pickerel, or crappie less than fifteen inches in length, nor were any pike, bass, or crappies to be taken by net or seine from the boundary waters between March

¹⁴⁹ *Journal of the House of Representatives*, 1907, pp. 1383, 1384.

¹⁵⁰ *Journal of the House of Representatives*, 1907, pp. 1455, 1519; *Journal of the Senate*, 1907, pp. 1437, 1438.

31st and June 1st — the spawning period. The act directed that fish of a species or size not permitted by the act that were taken in nets were to be returned immediately, without injury, to the waters. The funds derived from the sale of licenses were to be expended by the Warden in administering his department, and particularly for fish rescue work, as will be noted in the chapter on fish propagation.¹⁵¹

The protection of the fish in the boundary waters of the State was carried a step further in 1911, when the Thirty-fourth General Assembly enacted a law which removed from the boundary class, so far as fish protective provisions were concerned, the Big Sioux River and the boundary portion of the Des Moines River. Thus the taking of fish from the boundary parts of these rivers within Iowa's jurisdiction was now prohibited except by hook and line. The same act, however, reduced the size limits on the various game fish which might be taken by net or seine, with the exception that the size limit on pickerel was raised from twelve inches to fifteen inches, with limits of one and three pounds on sand and rock sturgeons, respectively.¹⁵²

In the administration of the license laws with respect to seining in the Mississippi and Missouri rivers, however, one serious difficulty was encountered. The Illinois law requiring licenses for seining in the Mississippi had been declared unconstitutional and the Iowa fishermen conceived the idea of confining their seining to points just east of the center of the main channel (or thalweg) of the river, thus apparently evading the requirement that they take out licenses as provided by the Iowa law. One such fisherman, however — Enos Moyers, by name — was arrested charged with violation of the law. The District Court of Des Moines

¹⁵¹ *Laws of Iowa*, 1909, Ch. 155.

¹⁵² *Laws of Iowa*, 1911, Ch. 117.

County, in which the case was tried, discharged the defendant on the grounds that Iowa had no jurisdiction whatever over fishing beyond the middle of the main channel.

The State appealed to the Supreme Court of Iowa, and the latter, on June 25, 1912, handed down a decision reversing the judgment of the district court. The court held that the concurrent jurisdiction over the Mississippi granted by Congress to Iowa and Illinois empowered Iowa to prosecute violations of its fishing laws even though such violations occurred on the Illinois side of the river. The court based its decision substantially on that in *State v. Mullen* (35 Iowa 199) which was to the effect that the State's jurisdiction with respect to the abatement of a nuisance extended from bank to bank on the Mississippi. So far as Iowa's criminal jurisdiction over the Mississippi is concerned, said the court, "it seems to be conceded on all hands" that this extends to "any portion of the river so far as it constitutes the common boundary" between Iowa and another State. "We see no distinction which can be drawn between statutes regulating . . . the maintenance of nuisances and those relating to fishing."¹⁵³

The effect of this decision was expressed by the Warden in the following words:

Fishermen who were fighting the law claiming it to be unconstitutional and refused to take out the legal license, are now applying for them and are banding together for the protection of fish in these boundary waters. With such organization and the strict enforcement of the law the fish in this great source of supply will increase instead of decrease as has been the case during the last few years.¹⁵⁴

¹⁵³ 155 Iowa 678; *Biennial Report of the State Fish and Game Warden of Iowa*, 1909-1910, p. 10.

¹⁵⁴ *Biennial Report of the State Fish and Game Warden of Iowa*, 1911-1912, p. 14.

No legislative change occurred with regard to the status of fishing in the boundary rivers until 1924 when the Fortieth General Assembly, in extra session for the purpose of law revision and codification, made a number of changes in the boundary river laws. The annual license fee for each five hundred lineal feet of seine was raised from ten to fifteen dollars, and the charges for lead, supplementary nets, and so forth, were likewise increased. Annual reports were required from holders of seining licenses, "stating in detail the amount and kind of fish caught, the amount for which same were sold and the total value of each kind." Failure to submit such a report might render the licenses non-renewable. Two fish — the yellow perch and the sunfish were added to those upon which a size limit was placed when taken by net or seine.¹⁵⁵ Sunfish must be six inches long and yellow perch seven inches.

More notable than any of these changes, however, was the placing of the two great boundary rivers — the Mississippi and the Missouri — in the same class as the interior waters of Iowa, so far as hook and line and general fishing regulations were concerned. Fishing with licensed seines was still to be permitted in these rivers, but no bass, pike, or crappies might be taken at any season of the year by this method. Thus, three of the leading game fish were now equally protected in all of the waters — interior and boundary — of the State. With the exception of seining, the only difference between the fishing regulations relative to the Mississippi and the Missouri and those pertaining to the interior waters of the State is that the laws relative to the former permit trolling from power boats while the latter do not.¹⁵⁶

¹⁵⁵ *Code of 1924*, Secs. 1748, 1749, 1751.

¹⁵⁶ *Code of 1924*, Secs. 1737, 1751.

IV

GAME PROTECTIVE LEGISLATION

The term "game", as used in this article, may be considered as including those wild birds and animals, of value as food or otherwise, which are sought by the sportsman or trapper.

Although a bill looking towards the protection of game had been introduced into the House in the course of the Fifth General Assembly and had been approved by the Committee on Agriculture, to which it had been referred,¹⁵⁷ the first game protection law was enacted by the following General Assembly. A bill to this effect was introduced in the Senate and was referred to a special committee from which it was later reported and its passage recommended. It encountered some opposition. A motion was made to postpone the bill indefinitely, but this was lost. An amendment was then proposed permitting the killing of game by any person for his own use. This would have defeated the essential purpose of the bill, but it was voted down. The bill finally passed the Senate by a vote of 23 to 12, and the House, in a slightly amended form, by a vote of 40 to 17. Attempts in both the House and the Senate to amend the bill so that it would not protect prairie chickens were not successful.¹⁵⁸

The law declared illegal the killing, ensnaring, or trapping, except upon one's own premises, of wild deer, elk, turkey, prairie chickens, grouse, or quail between February 1st and July 15th of each year. To buy or sell any of these animals or birds which had been obtained in violation of the act

¹⁵⁷ *Journal of the House of Representatives*, 1854-1855, pp. 226, 255.

¹⁵⁸ *Journal of the Senate*, 1856-1857, pp. 104, 333, 334, 385, 386; *Journal of the House of Representatives*, 1856-1857, p. 480.

was also declared illegal. To have such animals in possession between these dates was to be regarded as "prima facie" evidence of violation of the law. There was also a provision concerning trespass similar to that of the early fish protective laws. The penalty was fixed at fifteen dollars for each deer or elk, and at three dollars for each bird illegally taken.¹⁵⁹

At the next session of the legislature the closed season established by this first protective act was extended to include the month of January, the remainder of July, and half the month of August of each year.¹⁶⁰

Although no new game protective legislation was enacted by the Eighth General Assembly, such legislation as had already been placed upon the statute books was allowed to stand, despite the introduction of a bill to repeal the game law of the Seventh General Assembly and despite efforts to remove the protection accorded prairie chickens.¹⁶¹

The Ninth General Assembly passed a law rendering existing game protective legislation somewhat more stringent. A bill to this effect passed both the Senate and the House, though in the latter body attempts were made to kill it and to render it inapplicable to counties of less than twenty thousand inhabitants. The law extended the closed season to September 1st on the birds and animals originally protected by the legislation of the Sixth General Assembly, with the exception of prairie chickens, the closed season on which was limited to the six months between February 1st and August 1st. A six months closed season on woodcock was also declared. The penalty for taking game birds

¹⁵⁹ *Laws of Iowa*, 1856-1857, Ch. 164.

¹⁶⁰ *Laws of Iowa*, 1858, Ch. 147.

¹⁶¹ *Journal of the Senate*, 1860, pp. 263, 525; *Journal of the House of Representatives*, 1860, p. 88.

illegally was raised from three to five dollars for each bird.¹⁶²

No additional protective legislation for game was enacted by the Tenth General Assembly, and, indeed, there was apparently very little activity in this regard upon the part of any of the legislators. In the course of the following Assembly, however, a bill was passed by the Senate aiming to make more stringent the regulations governing the taking of prairie chickens. But in the House the chairman of the Committee on Agriculture to which the bill had been referred reported that "inasmuch as prairie chickens are in the western and a considerable portion of the central parts of the State so injurious to the settlers that they are unable to raise the necessary vegetables, &c., for the use of their families, and being of the opinion that it is more the duty of the Legislature to protect men, women and children than prairie chickens", the committee recommends that the bill be indefinitely postponed.¹⁶³

Had there been at this early date some State official specifically responsible for the enforcement of the game laws, the legislature might have avoided the difficulty pointed out by the committee chairman. It could have vested in that enforcement officer power to extend or withhold, protection to the prairie chicken, dependent upon local conditions. This policy of granting discretionary power will be considered more fully in a later connection.

During the course of the proceedings of the Twelfth General Assembly both houses were the recipients of several petitions relative to game protective legislation. Some of these sought more stringent game protection laws in gen-

¹⁶² *Laws of Iowa*, 1862, Ch. 115; *Journal of the House of Representatives*, 1862, p. 661.

¹⁶³ *Journal of the Senate*, 1866, p. 413; *Journal of the House of Representatives*, 1866, pp. 501, 502.

eral; others were concerned with additional protection for the wild turkey or the prairie chicken. The Committee on Agriculture in the Senate, to which the petitions received by that body were referred, reported that in their opinion "no change is advisable at this time." But the Senators apparently considered that the will of their constituents was expressed more accurately through the petitions than through the report of their Committee on Agriculture, for notwithstanding the attitude of the committee, a game protection bill was passed by the Senate. Although this bill, not being passed by the House, failed to become a law, the Senate later passed a game protective bill which had originated in the House and had been passed by that body.¹⁶⁴ The law changed slightly the closed season on quail and ruffed grouse, and it restored protection during the month of January to the prairie chicken, but curtailed to the extent of one month the closed season on deer, elk, and wild turkeys.

The above regulations applied to the taking of game by shooting only. The trapping of any of this game was forbidden by the law except in the month of December. Moreover there was to be no trapping of quail prior to December 1, 1872. As in the case of previous acts, however, these regulations did not apply to trapping or shooting on one's own premises, though game shot or killed under such conditions must be for the owner's exclusive use. The provision relative to the buying, selling, or having in possession of game illegally taken was similar to that of the game protective law passed by the Sixth General Assembly. Railroads or other common carriers transporting game birds or animals protected by the act within their respective

¹⁶⁴ *Journal of the Senate*, 1868, pp. 102, 136, 243, 246, 258, 271, 401, 500, 501; *Journal of the House of Representatives*, 1868, pp. 65, 92, 210, 252, 273, 408, 409, 410, 510, 511.

closed seasons were to be subject to a fine of from one hundred to three hundred dollars in lieu of, or in addition to, a jail sentence of thirty days for the owners or agents of the common carrier responsible. The fines set by the previous act were allowed to stand, but the fine paid by trespassers was to go in its entirety to the county school fund, none of it serving as a compensation to the owner of the property on which there had been trespass, as was the case in the act enacted by the Sixth General Assembly in 1868.¹⁶⁵

Up to this time no law had been placed on the statute books of Iowa protecting the birds of the State from destruction. One of the accomplishments of the Thirteenth General Assembly was the passage of such an act. The preamble of the law merits quoting in full, for it might be allotted almost the status of a creed. It is as follows:

Whereas, The birds of this State are useful to the farmer, gardener, and horticulturist, from the great amount of noxious insects which they annually destroy; and,

Whereas, It is the judgment of this General Assembly that their wanton and useless destruction should not only be strictly prohibited, but that every encouragement be given for their rapid propagation; therefore, *Be it enacted* —.

The act forbade the killing, ensnaring, or trapping of any of the birds of the State, with the exception of birds of prey, migratory aquatic birds, and food birds which might be hunted or trapped under the general game laws. The eggs and the young of the birds were accorded a like measure of protection. Violators were subject to a fine of from five to twenty-five dollars and costs. The killing of birds for scientific purposes, however, was to be permitted provided that "satisfactory proof" was submitted that the birds had

¹⁶⁵ *Laws of Iowa*, 1868, Ch. 113.

been taken for such reasons. This last provision proved insufficiently stringent, as will be seen.¹⁶⁶

The Fourteenth General Assembly turned its attention to the problem of further protection for game birds and animals. From the petitions which were received by the legislature, particularly the lower chamber, it was evident that the people were anticipating not only more stringent provisions with respect to the game already protected, but in addition some measure of protection for fur-bearing animals.¹⁶⁷

Thus it is not surprising that an act was passed which extended by fifteen days the closed season on deer, elk, and prairie chicken. Moreover the trapping of any of the above, or of any woodcock, quail, grouse, pheasant, or turkey was forbidden during any part of the year except on one's own premises. The prohibition of the ensnaring, netting, or trapping of quail, for which the Twelfth General Assembly had provided until December 1, 1872, was now made permanent and was extended to prohibit also the killing of quail by other methods. For this provision in the act the Senate was mainly responsible, but its effectiveness was in large measure nullified by another clause which the House insisted be made a part of the law. This permitted the shooting of quail on the premises of another, with the latter's permission, "within the time designated in the act to which this is an amendment", meaning apparently from September 12th to December 15th. The act also declared a closed season on beaver, mink, otter, and muskrat between April 1st and November 1st of each year, the trapping or ensnaring, as well as the shooting, of these

¹⁶⁶ *Laws of Iowa*, 1870, Ch. 74.

¹⁶⁷ *Journal of the House of Representatives*, 1872, pp. 80, 120, 160, 229, 294, 373, 385, 405; *Journal of the Senate*, 1872, p. 236.

fur-bearing animals being forbidden during this period.¹⁶⁸ During the extra session for the purpose of codification, the Fourteenth General Assembly made a few minor changes in the game laws.¹⁶⁹

The Fifteenth General Assembly enacted a law which, though strengthening the game laws in certain details, deprived the prairie chicken of a very considerable measure of protection. The act declared illegal the shooting or killing of prairie chickens "between the first day of December and the fifteenth of August next following", but only when the birds so taken were to be shipped "to any point within or without the state for the purpose of selling the same for profit". Thus the shooting of prairie chickens for the purpose of sale was permitted during three and one-half months of the year, and their shooting for private consumption was allowed throughout the entire year. The act did, however, extend slightly the closed season on deer.

It provided furthermore that the shipment of game birds or animals legally killed should be lawful only when oath was taken by the shipper to the effect that the birds or animals were not being transported "for sale or profit". The trapping of game birds (including the prairie chicken) was prohibited at any time of the year, but, according to the letter of the law, the trapping of game animals during the closed season was not prohibited under the game act of the Fourteenth General Assembly. In all the various prohibitions of the act, with the exception of that involving the prairie chicken, the reservation "except upon one's own premises" was omitted, thus extending the protective hand of the State to the game on a person's property which

¹⁶⁸ *Journal of the Senate*, 1872, p. 628; *Journal of the House of Representatives*, 1872, p. 868; *Laws of Iowa*, 1872, Ch. 217.

¹⁶⁹ *Code of 1873*, Sec. 4048.

formerly might be killed by the owner even during the closed season. The shooting of quail, however, "upon any inclosed or improved premises, with the consent of the owner or occupant thereof" was permitted during the last three months of the year.¹⁷⁰

But the legislature was soon to regret its action in permitting the killing of prairie chickens for commercial purposes and the Sixteenth General Assembly, by unanimous vote in both houses, prohibited the killing of prairie chickens for the purpose of shipping the same with intent to sell, by "any person, anywhere, at any time of the year".¹⁷¹

And in an act with many provisions the Seventeenth General Assembly completed the restoration of the protection which had been accorded the prairie chicken prior to the legislation of the Fifteenth General Assembly. Indeed, it did slightly better. It extended the closed season to include the period of nine months between December 1st and September 1st of the year following. Minor changes were made in the closed season periods with respect to woodcock, ruffed grouse, wild turkey, and quail. The killing of duck, snipe, goose, and brant was prohibited between May 1st and August 15th. The clause prohibiting ensnaring or trapping applied to game animals as well as birds.

This law marks also the first prescription of a "bag limit" for game birds. The killing during any one day by a single individual of more than twenty-five of "either kind of said named birds" — grouse, prairie chicken, snipe, woodcock, or quail — was forbidden.

The act further provided that possession of game birds or animals within five days of the end of the open season (but not for longer than this) should be legal. Moreover

¹⁷⁰ *Laws of Iowa*, 1874, Ch. 69.

¹⁷¹ *Laws of Iowa*, 1876, Ch. 122.

the shipping of game outside of the State was prohibited entirely; but, as in the case of the act passed by the Fifteenth General Assembly, upon the making of a proper affidavit, game birds not to exceed one dozen in any one day might be shipped to points within the State, though not for sale.

The seven months of closed season on fur-bearing animals was continued, but the killing, ensnaring, or trapping of any of these animals was permitted during the closed season where necessary to protect private property from injury.

Substantial increases were made in the fines imposed for violations of the provisions of the law. A new clause declared the swivel-gun an illegal weapon for the shooting of game, and also prohibited the use of "medicated or poisoned food" in the taking of game birds.

To promote enforcement of the law, it was provided that in the case of every prosecution an attorney was to be appointed by the court to manage the case for the State. Such attorney was entitled to a fee of ten dollars, to be included in the costs. And the informant was also declared to be entitled to an amount equal to one-half of the fine imposed, the same to be in like manner included in the costs.¹⁷²

After the passage of such a comprehensive law it was almost expected that there would be a lull in the activity of the following General Assembly with respect to game protective legislation. One law, however, was passed in the last day of the session by a bare constitutional majority of one. This act withdrew the protection accorded snipe by the Seventeenth General Assembly, and the period of closed season on the pinnated grouse — prairie chicken — was

¹⁷² *Laws of Iowa*, 1878, Ch. 156.

diminished by fifteen days.¹⁷³ The Twentieth General Assembly, however, reëstablished the closed season on the prairie chicken between December 1st and the following September 1st. The Twentieth General Assembly also declared illegal for a period of two years, between October 1, 1884, and October 1, 1886, the taking of quail in any manner whatsoever "except for the preservation of the same during the winter months".¹⁷⁴

The early days of the Twenty-second General Assembly were marked by a flood of petitions against "any change in the game laws". Apparently the fear was that the restrictions would be made more stringent. Some twenty-five or more petitions of this nature were received by the House alone, in addition to the presentation of remonstrances by twenty-seven representatives of as many counties. One of the petitions received by the Senate was that of "500 legal voters of the ninth senatorial district, protesting against any change in the game laws to abolish the spring shooting of water fowl."¹⁷⁵

The petitions were effective. No law pertaining to game was passed by the Twenty-second General Assembly, or indeed for nine years thereafter. The Twenty-second General Assembly did, however, increase the measure of protection accorded song birds by requiring every peace officer, under penalty of a fine, to file before a justice of the peace an information against any person whom he knew to have violated the non-game bird protective law. The act specifically declared the English sparrow to be exempt from

¹⁷³ *Journal of the House of Representatives*, 1880, pp. 749, 750; *Laws of Iowa*, 1880, Ch. 193.

¹⁷⁴ *Laws of Iowa*, 1884, Chs. 67, 164.

¹⁷⁵ *Journal of the Senate*, 1888, p. 88; *Journal of the House of Representatives*, 1888, pp. 81, 93, 94, 120, 126, 127, 134, 135, 151, 158, 221.

the regulations pertaining to non-game birds in general.¹⁷⁶

Although, as pointed out above, no game protective legislation was enacted for a period of nine years, bills with this end in view were introduced from time to time during the various sessions of the legislature. One of these — a bill to protect the Chinese or ring-neck pheasant — passed the House but not the Senate; in the latter body, indeed, it never came to a vote.¹⁷⁷ The Twenty-fifth General Assembly prohibited hunting upon “cultivated or enclosed lands” without the owner’s permission, but this belongs in the sphere of trespass rather than game legislation.¹⁷⁸

The Twenty-sixth General Assembly, however, at its extra session made some fairly substantial changes in the existing game protective legislation. A month was added to the period of the closed season on the ruffed grouse, wild turkey, and quail, leaving but two months during which these birds might be hunted. The Twenty-seventh General Assembly in an act concerning these birds did not reduce the length of the closed season but changed the period during which their hunting was forbidden from December 1st — October 1st to January 1st — November 1st.¹⁷⁹ A month was added to the closed season on wild duck, goose, and brant.

Protection for the first time was accorded the squirrel — gray, fox, or timber — its trapping or killing being forbidden between January 1st and June 1st. No ruffed grouse or wild turkey was to be taken prior to January 1, 1900, and the shooting of quail on the public highway was

¹⁷⁶ *Laws of Iowa*, 1888, Ch. 103.

¹⁷⁷ *Journal of the House of Representatives*, 1894, pp. 355, 356; *Journal of the Senate*, 1894, p. 652.

¹⁷⁸ *Laws of Iowa*, 1894, Ch. 64.

¹⁷⁹ *Laws of Iowa*, 1898, Ch. 66.

declared illegal. The use of artificial ambushes, "sneak boats", or other presumably unsportsmanlike devices were prohibited, though decoys in the hunting of aquatic birds were to be permitted. Shooting from any of the waters of the State between sunset and sunrise was forbidden.¹⁸⁰

Another provision of the codification act aimed at increasing the effectiveness of the acts of the Thirteenth and Twenty-second General Assemblies concerning non-game birds by naming specifically the varieties which were not to be killed at any time. These included the "whippoorwill, night-hawk, bluebird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, turtle-dove, catbird, sandpiper, snowbird, blackbird, or any other harmless bird except bluejays and English sparrows". The protection extended to the nests and eggs of the birds. An exception was made in the case of "specimens for use of taxidermists". The act also declared the removal of nests from buildings to be lawful and "the keeping of song birds in cages as domestic pets".¹⁸¹ In 1902, however, the sandpiper was withdrawn from the song bird class.¹⁸²

But perhaps the most potentially important clause in the codifying act was that which, by creating the office of Fish and Game Warden, provided for the enforcement of the game protective laws in the same manner as general provision had been made some twenty-five years previously for the enforcement of the fish protective laws. The act, moreover, by specifically authorizing the appointment of deputies, rendered more likely the better enforcement of both the game and fish protective laws.¹⁸³

¹⁸⁰ *Code of 1897*, Sec. 2551.

¹⁸¹ *Code of 1897*, Sec. 2561.

¹⁸² *Laws of Iowa*, 1902, Ch. 103, Sec. 9.

¹⁸³ *Code of 1897*, Secs. 2539, 2562, Ch. 1.

The need for these changes had long been recognized. By 1895 the violations of the game laws had become so flagrant that the State Fish Commissioner had been moved to write:

In a short time . . . if our game is not better protected there will not be any need of wardens or law, as the prairie chicken, quail, woodcock and plover will have all been destroyed through the greed of poachers, as they have been in the eastern states. The legislature should not hesitate to at once devise some method for the better protection of these birds.¹⁸⁴

And in a previous report of the Commissioner appears the following:

I have received this year, two hundred or more letters from all parts of the State, requesting me to come immediately and enforce the game law, as the manner in which game was being slaughtered out of season was a disgrace to the State. As this does not come under my supervision, under the present law, I could afford no relief. I would respectfully call attention to the matter and trust such enactment will be made by the legislature as will afford the relief asked for.¹⁸⁵

The codifying act of the Twenty-sixth General Assembly, doubtless inadvertently, contained no provision granting protection to deer, but the Twenty-seventh General Assembly declared unlawful the killing, maiming, trapping, injuring, or capturing by any method of deer, elk, or goat, "except when distrained as provided by law." Violators were subject to a fine or jail sentence, or both.¹⁸⁶

As noted in the chapter on fish protective legislation, an act was passed by the Twenty-seventh General Assembly authorizing the Fish and Game Warden to seize without

¹⁸⁴ *Biennial Report of the State Fish Commission of Iowa, 1894-1895*, p. 11.

¹⁸⁵ *Biennial Report of the State Fish Commission of Iowa, 1892-1893*, p. 16.

¹⁸⁶ *Laws of Iowa, 1898*, Ch. 65.

warrant fish or game illegally taken, or unlawful devices used in the taking of fish or game.¹⁸⁷

In the first biennial report issued by the Fish and Game Warden as such, the passage of a non-resident hunter's license law was urged as a means of game protection. It was pointed out that laws of this sort had already been passed by the legislatures of the neighboring States of Illinois, North Dakota, South Dakota, Minnesota, and Wisconsin, the license fee for non-resident hunters in these States being in most cases twenty-five dollars. The report went on to state that the effect of the passage of these laws had been in some measure to drive the hunters from these States into Iowa where no license system prevailed. "The counties in Iowa bordering on the Mississippi river", the report continued, "have been greatly annoyed by hunters from Wisconsin and Illinois, who persist in coming here and killing for market game that rightfully belongs to the taxpayers of Iowa." This portion of the report concluded with the statement that, "Our people should have the same rights and privileges extended to them in this respect that the legislatures of other states give their constituents."¹⁸⁸

This recommendation was not made in vain. Indeed as early as the Seventeenth General Assembly a bill had been introduced in the House which would have prohibited non-residents from killing game, though the Judiciary Committee, to which the bill had been referred, reported it adversely, probably doubting its constitutionality as well as its expediency.¹⁸⁹ An act providing for the licensing of non-resident hunters was passed by large majorities in both

¹⁸⁷ *Laws of Iowa*, 1898, Ch. 64, Secs. 1, 5.

¹⁸⁸ *Biennial Report of the State Fish and Game Warden of Iowa*, 1898-1899, p. 8.

¹⁸⁹ *Journal of the House of Representatives*, 1878, pp. 501, 579.

houses during the course of the Twenty-eighth General Assembly. The debate on the bill, at least in the Senate, showed that some of the legislators favored more stringent provisions with respect to non-residents than were actually incorporated into the bill. One proposed amendment would have fixed the license fee at twenty dollars; another would have prohibited non-residents giving away or selling any of the game taken by them; still another would have prohibited non-resident hunting entirely. An objection to the bill, voiced both in the House and the Senate, was that it provided for licensing by counties rather than by the State as a whole. One member of the House, indeed, voted against the bill solely because of this provision. A change from the county to the statewide basis in the licensing system was later effected.¹⁹⁰

The act declared that in order to hunt legally in Iowa non-residents must procure a license "from the county auditor of the county in which said game is pursued, hunted, or killed." As a preliminary to the issuing of a license, the county auditor was to ascertain that the individual making application was "a careful and prudent person and accustomed to the use of fire-arms". The fee was fixed at ten dollars, an additional charge of fifty cents being made to compensate the county auditor for the issuing of the license.

A license did not authorize a non-resident hunter to take more than twenty-five birds or animals per day — the number fixed by previous legislation with respect to game birds. Nor did it sanction hunting on "the enclosed or cultivated lands of another without a permit in writing from the owner". The license, of course, permitted the hunting of the various game birds and animals only during the open sea-

¹⁹⁰ *Journal of the House of Representatives*, 1900, pp. 307, 308; *Journal of the Senate*, 1900, pp. 437, 497, 498.

son. The money derived from the licenses was to be credited by the county treasurer in each county to a fund for game protection "to be used to defray the expenses of enforcing the law for the protection of game". The license was declared to be non-transferable. The enforcement of the act was placed in the hands of "county attorneys and all peace officers".¹⁹¹

An act of the Twenty-ninth General Assembly withdrew the sandpiper from the song bird class but in certain details made more stringent the protective laws. The rail, plover, and march or beach bird, in addition to the sandpiper, were granted the same measure of protection as the wild duck, goose or brant, and their destruction was forbidden between April 15th and September 1st. Three months were added to the period of closed season on squirrel.¹⁹²

It will be recalled that the Seventeenth General Assembly had established a daily bag limit for the prairie chicken, snipe, woodcock, quail, and ruffed grouse. The Thirtieth General Assembly, in response to a recommendation of the Fish and Game Warden, extended the daily bag limit of twenty-five to include the wild turkey, duck, goose, and brant. The same act, however, excepted ducks from the general requirement that not more than twenty-five birds were to be had in possession at any one time "unless lawfully received for transportation".¹⁹³

Another act of the Thirtieth General Assembly presented a good example of public opposition to inhumane practices. It appears that certain gun clubs throughout the State,

¹⁹¹ *Laws of Iowa*, 1900, Ch. 86.

¹⁹² *Laws of Iowa*, 1902, Ch. 103, Sec. 7.

¹⁹³ *Biennial Report of the State Fish and Game Warden of Iowa*, 1902-1903, p. 8; *Laws of Iowa*, 1904, Ch. 95.

which to-day doubtless employ the so-called clay pigeons for their sport, then used live pigeons as targets. After being suddenly released from traps in which they had been confined, the birds would be shot at by the hunters, obviously with the purpose of making a killing. The practice might have been condoned had not the gambling element been present in it. Various cruel expedients were developed with a view to expediting or retarding the flight of the pigeons as suited the purpose of the gambler. These included such heartless measures as the placing of pins in the bodies of the birds and the indiscriminate application of chemicals and "dope".

A more inhumane practice could not readily be imagined. That this was the opinion of the people of Iowa generally was evidenced by the flood of petitions which poured into the legislature — Senate and House — asking the abolition of the barbarous practice. No less than thirteen such petitions were received in the Senate, and as many as fourteen in the House. As a result a law was passed prohibiting the inhumane practice and providing penalties of fine or imprisonment for the law's violation.¹⁹⁴

It will be remembered that the Twenty-seventh General Assembly had changed the period of closed season on ruffed grouse, wild turkey, and quail from the ten months between December 1st and October 1st to the ten months between January 1st and November 1st.¹⁹⁵ At first thought there might appear to be little significance in this change, since the actual length of the closed season was not reduced. That this alteration was not inconsequential, how-

¹⁹⁴ *Journal of the Senate*, 1904, pp. 196, 207, 235, 250, 272, 290, 305, 365, 392, 449, 567; *Journal of the House of Representatives*, 1904, pp. 214, 236, 242, 243, 252, 254, 255, 290, 311, 312, 335, 347, 371, 434; *Laws of Iowa*, 1904, Ch. 96.

¹⁹⁵ *Laws of Iowa*, 1898, Ch. 66.

ever, was clearly brought out by the Warden in his thirteenth biennial report. The change in the time of year covered by the protective law was a mistake, he wrote, "for as soon as the snow came the birds could be easily tracked and killed in large numbers by the market and pot hunters. If the law is not changed, making the open season from October 1st to November 30th, there will soon not be any quail to protect."¹⁹⁶

The same recommendation was repeated in the two following reports, though in the second of these a reduction by fifteen days in the open season on quail was also recommended.¹⁹⁷ Apparently, however, public sentiment was opposed to greater stringency in the game laws at the time. At any rate several petitions to this effect were received by the Thirtieth General Assembly.¹⁹⁸ The legislature did, however, restrict the open season on quail and the other birds of that category to the period between October 1st and December 15th.¹⁹⁹ A bill also passed the Senate prohibiting the killing of any quail for three seasons — until January 1, 1906 — but upon the recommendation of the Fish and Game Committee the bill was indefinitely postponed in the House.²⁰⁰

The Thirty-first General Assembly turned its attention to the problem of granting greater protection to song birds. The Commissioner had issued a timely warning when he wrote in 1899:

¹⁹⁶ *Biennial Report of the State Fish and Game Warden of Iowa, 1898-1899*, p. 16.

¹⁹⁷ *Biennial Report of the State Fish and Game Warden of Iowa, 1900-1901*, p. 10, 1902-1903, p. 6.

¹⁹⁸ *Journal of the Senate, 1904*, pp. 217, 220, 250, 290.

¹⁹⁹ *Laws of Iowa, 1904*, Ch. 92, Sec. 3.

²⁰⁰ *Journal of the Senate, 1904*, pp. 306, 366, 367, 564, 565; *Journal of the House of Representatives, 1904*, p. 822.

If the fashion of decorating bonnets and hats with the stuffed skins of song birds could be abandoned, the lives of thousands of Iowa's bright-plumaged birds would be saved. Several species of these beautiful birds have become nearly extinct on account of the quite general slaughter of them for that purpose.²⁰¹

An act of the Thirty-first General Assembly endeavored to correct this situation. The purchase, sale, or transportation of song birds—in whole or in part—was prohibited, irrespective of whether the birds had been taken within or without the State. Exceptions were made, however, with respect to those who wished to collect birds, nests, or eggs for scientific purposes. But no one was entitled to such a privilege who did not hold a collector's certificate. This was to be issued by the Fish and Game Warden to any "properly accredited" person not less than fifteen years of age who had previously presented to the Warden "written testimonials from two well-known ornithologists who must be residents of Iowa, certifying to the good character, and fitness of said applicant to be entrusted with such privilege". Not only was the certificate subject to revocation in case of the violation of the terms under which it had been granted, but the holder of it under such conditions was liable to a fine or imprisonment, or both, "at the discretion of the court". The certificates were to expire annually, but were subject to renewal. The birds not covered by the provisions of this act included game birds and birds considered either destructive or not in the game or song bird classes, such as the crow, hawk, blackbird, sparrow, and the great horned owl.²⁰²

A single brief act directly involving game protection was enacted by the Thirty-second General Assembly, and this

²⁰¹ *Biennial Report of the State Fish and Game Warden of Iowa, 1898-1899*, p. 17.

²⁰² *Laws of Iowa, 1906*, Ch. 108.

was of some significance, as will be noted in a later connection. It prohibited the killing of the ring-neck pheasant — substantially the same as the Mongolian, English, or Chinese pheasant — prior to October 1, 1915, a period of eight seasons.²⁰³

It will be recalled that the Twenty-eighth General Assembly had enacted a law providing for the licensing of non-resident hunters. The Thirty-third General Assembly provided for the licensing of resident hunters also.

This accomplishment was not effected without a struggle. A resident hunters' license system had first been recommended by the Warden in 1903, and the matter had been considered in committee by the Thirtieth General Assembly, as indeed it had been by the Twenty-ninth General Assembly, but no bills providing for a non-resident hunter's license were actually reported.²⁰⁴

In 1905 the Warden returned to the attack, citing the numerous neighboring States which had already enacted resident hunters' license laws and in each case the annual revenue received therefrom. "From reports and letters received from all the above states", he wrote, "it is evident that the law is satisfactory to both the sportsman and the state. It prevents in a large measure the indiscriminate shooting and killing of everything that comes in the way of the small boy and foreigners, from a game and song bird to the farmers' tame chickens and stock." He went on to point out that the object of resident hunters' licenses was "not so much to restrict hunting as to regulate it." Such licensing afforded a convenient means of hunter identification and increased the amount of funds available for game

²⁰³ *Laws of Iowa*, 1907, Ch. 134.

²⁰⁴ *Biennial Report of the State Fish and Game Warden of Iowa*, 1902-1903, p. 6, 1904-1905, p. 16.

law enforcement and for other purposes. By means of a map he showed that every State bordering on Iowa and nearly every State except Iowa in the central and northwestern areas of the country had a license law for resident hunters.²⁰⁵

In his next official report the Warden urged, perhaps more strongly than ever, the passage of such a license law. He quoted from a report of the Fish and Game Warden of Missouri to show how successful the resident license law of that State was proving. He argued that such a law by restricting "the small boy, the foreigner and the roving hunter from killing everything that comes to their gun, including all insectivorous birds", would be a boon to the agriculturist and horticulturist. He summarized his case by "most urgently" recommending the establishment of a resident license system as "it would prevent a large amount of unlawful hunting and at the same time place in the State treasury for the enforcement of the law not less than \$30,000 per annum."²⁰⁶

Nor was the Warden alone in urging a resident license law. The Governor of the State in his message to the Thirty-second General Assembly had this to say concerning the matter:

In his report to me, the State Fish and Game Warden has strongly recommended a radical amendment to our law with reference to hunters' licenses. I have not been able to examine this subject with the care that would warrant me in adopting his opinion and giving it to you as my own. I do, however, bring the matter to your special attention, and ask that you give his recommendation the most careful consideration.²⁰⁷

²⁰⁵ *Biennial Report of the State Fish and Game Warden of Iowa, 1904-1905*, pp. 16-18.

²⁰⁶ *Biennial Report of the State Fish and Game Warden of Iowa, 1906-1907*, pp. 4-9.

²⁰⁷ *Journal of the House of Representatives, 1907*, p. 23.

Petitions, also urging a resident hunters' license law, were received by the Thirty-second General Assembly, but the much desired act was not enacted by the legislature during this session. A bill providing for a license for resident hunters was passed by the House, but it died in the Sifting Committee of the Senate.²⁰⁸ By no means discouraged, the Warden returned once more to the attack in 1908. Having exhausted all the important arguments in previous reports the Warden could but reëmphasize these.²⁰⁹

The long struggle was not in vain. A law of the sort recommended was enacted by the Thirty-third General Assembly. In the House there was a large majority in its favor and in the Senate the vote was unanimous.²¹⁰

The law prohibited the hunting of wild animals or birds within the State without a license whether by residents or non-residents. For the issuance of licenses to applicants under eighteen years of age the written consent of parents or guardian was required. The possession of a gun in field or forest without a license was to be considered as "prima facie" evidence of violation of the act. The license was to be exhibited to anyone desiring to see it, the purpose of this provision being of course to promote the law's enforcement. The fee for residents was fixed at one dollar annually, that for non-residents was kept at ten dollars, as established by act of the Twenty-eighth General Assembly.

The license was subject to revocation if the holder of it hunted on enclosed or cultivated lands without permission of the owner or if the license was found in the possession

²⁰⁸ *Journal of the Senate*, 1907, pp. 541, 578, 1293; *Journal of the House of Representatives*, 1907, pp. 859-862.

²⁰⁹ *Biennial Report of the State Fish and Game Warden of Iowa*, 1907-1908, pp. 9-15.

²¹⁰ *Journal of the House of Representatives*, 1909, p. 1213; *Journal of the Senate*, 1909, p. 1380.

of one other than the person to whom it had been issued. Nor did the license carry with it the privilege of hunting on any public highway. The day's bag limit of twenty-five, established by previous act as regards licensed non-resident hunters, was now made applicable to both resident and non-resident sportsmen. Since 1878, however, there had been a bag limit with respect to birds of twenty-five. The funds derived from the licenses were to be placed to the credit of the fish and game protection fund. For hunting on one's own property no license was required.²¹¹

The chief point to be emphasized, however, is that this law provided for State rather than county licensing. Some objections had been raised to the non-resident hunters' license law enacted by the Twenty-eighth General Assembly on the grounds that under it the sportsman could legally hunt only in that county from which his license had been issued. Thus, an individual who desired to hunt in more than one county could not lawfully do so without holding a license issued from each of the counties. Indeed one member of the House had voted against the non-resident hunters' license law solely because of its county basis.

The Fish and Game Warden had strongly recommended the changing of the non-resident hunters' license law so as to enable the holder of a license to hunt in any county in the State. Not the least of his arguments was his statement that "all other states", having as they did the state wide plan of licensing, permitted Iowans to hunt anywhere in the State upon the payment of the one license fee, and that Iowa should therefore reciprocate. The same recommendation was repeated in two subsequent reports.²¹²

²¹¹ *Laws of Iowa*, 1909, Ch. 154.

²¹² *Biennial Report of the State Fish and Game Warden of Iowa*, 1904-1905, pp. 18, 19, 1906, p. 9, 1907-1908, p. 15.

The license law of the Thirty-third General Assembly carried out this recommendation by providing that the license, though issued by the county auditor and bearing the latter's seal and signature, "shall authorize its holder to hunt . . . in any county in the state".²¹³

But the licensing act was not the only important piece of wild-life legislation enacted by the Thirty-third General Assembly. That body also provided more stringent regulations with respect to the buying, selling, and transportation of game.

In the first place, the prohibition against killing for shipment, adopted with regard to the more important game birds by the Seventeenth General Assembly, was extended to include game birds and animals in general. In the second place, the buying or selling by "any person, firm or corporation" of game birds or animals, dead or alive, prohibited in 1878 during the closed season or within five days thereof, was now prohibited at any time, without regard to season. Thirdly, the regulations with respect to the shipping of game were made more stringent. Game which had been lawfully taken in another State and lawfully brought into Iowa might rightfully be held in possession, "but the burden shall rest upon the person in possession to establish the fact that such game so shipped into the state was lawfully killed and lawfully shipped into the state."²¹⁴

This legislation, in general, aimed to prevent the violations of the game laws which had resulted through technical defects in the legislation previously enacted. The time was apparently ripe for the passage of such an act. Petitions received in both the House and the Senate during the course of the Thirty-third General Assembly had urged

²¹³ *Laws of Iowa*, 1909, Ch. 154, Sec. 4.

²¹⁴ *Laws of Iowa*, 1909, Ch. 153, Sec. 5-8.

more stringent fish and game laws, although in the House some petitions had been received opposing any change in the wild-life laws.²¹⁵ As pointed out in the previous chapter this act failed to become law because of a technicality and was reënacted by the Thirty-sixth General Assembly.²¹⁶

The Twenty-seventh General Assembly had prohibited the killing, trapping, or capturing of deer, elk, or goat "except when distrained as provided by law." The Thirty-fourth General Assembly, in order to prevent the abuse of this provision of the act, prescribed that when the distraint of deer was necessary it should be done "under the authority and direction of the state fish and game warden". The Thirty-fifth General Assembly made still more stringent the provisions governing this matter by making prerequisite to any distraint of deer the recognition by the Warden or his subordinates that such distraint was necessary.²¹⁷

No general protection law was enacted by the Thirty-sixth General Assembly, but changes were made in certain important details. The hunters' license law was extended to apply to trappers as well; and the closed season on trapping was extended to include the month of November. By another act a resident alien was required to pay a non-resident hunter's fee. The daily bag limit for prairie chickens was fixed at eight, and for quail at fifteen, while the limit of twenty-five for game birds or animals in general was maintained. Not more than sixteen prairie chickens might legally be held in possession by any individual at one time "unless lawfully received for transportation".²¹⁸

²¹⁵ *Journal of the Senate*, 1909, pp. 584, 693, 983; *Journal of the House of Representatives*, 1909, pp. 292, 404, 644.

²¹⁶ *Laws of Iowa*, 1915, Ch. 290.

²¹⁷ *Laws of Iowa*, 1898, Ch. 65, 1911, Ch. 118, Sec. 3, 1913, Ch. 206.

²¹⁸ *Laws of Iowa*, 1915, Chs. 263, 276, 319.

This legislation was substantially in accord with the Warden's recommendations.²¹⁹ Also in keeping with the Warden's recommendations was the act extending the closed season on pheasants until October 1, 1917, and including "Hungarian partridges or other imported game birds" within this prohibition.²²⁰

During the period of the Thirty-seventh General Assembly excitement ran high as to whether legislation would be enacted protecting quail for a number of years, as previously had been done in the case of the partridge and the pheasant. Petitions—some favoring, some opposing a long period during which the killing of the quail would be prohibited—poured into the legislature, particularly the House. A capitulation of the petitions received in the House reveals that twenty-eight favored a semi-permanent closed season on quail and nineteen opposed it. An act prohibiting the killing of quail during the five year period extending until November 1, 1922, was passed by the House, the vote being 61 to 32, thus representing with a measure of accuracy the will of the people as expressed through the petitions. The bill passed the Senate by a vote of 35 to 14. One member of this body, in explaining his negative vote, said: "I have presented numerous petitions from citizens of my district opposed to House File No. 114 [the bill in question] sent by men of judgment and experience and most of whom are not hunters, and believing that they fairly represent the majority of the people of my district I vote no."²²¹

²¹⁹ *Biennial Report of the State Fish and Game Warden of Iowa, 1913-1914*, p. 9.

²²⁰ *Biennial Report of the State Fish and Game Warden of Iowa, 1913-1914*, p. 10; *Laws of Iowa, 1915*, Ch. 301.

²²¹ *Journal of the House of Representatives, 1917*, pp. 504, 544, 566, 567, 734, 735, 736, 737, 741, 772, 791, 800, 849, 907, 908, 940, 941, 944, 945, 984, 1000, 1117, 1150, 1261, 1359; *Journal of the Senate, 1917*, p. 1529.

The Thirty-seventh General Assembly also declared a closed season on prairie chickens until the year 1922; and the closed season on the ring-neck pheasants and Hungarian partridges was extended from October 1, 1917, to October 1, 1922.²²² In the discussion in the House relative to the prairie chicken act, an amendment was offered which would have substituted for the five year period during which the taking of prairie chicken was absolutely prohibited, two months of open season each year and the reduction of the day's bag limit on prairie chickens from eight to four. This amendment was lost.²²³

This Assembly also changed the closed season on the trapping of fur-bearing animals from the period between April 1st and December 1st to that between March 15th and November 15th. The purpose of this act was to guard against the taking of unprimed skins. This act reëmphasized the prohibition against the having in possession of fur-bearing animals during the closed season, except during the first five days of the same, but excepted "green hides in process of manufacture" from this requirement. The molesting, injuring, or destroying of any muskrat house was also prohibited.²²⁴ A bill providing for a closed season on raccoons passed the House and, in an amended form, the Senate, but owing to failure on the part of the House to concur in the Senate's amendment the bill failed to become law.²²⁵

No game protective legislation whatever was enacted by the Thirty-eighth General Assembly, although a bill passed

²²² *Laws of Iowa*, 1917, Chs. 111, 202.

²²³ *Journal of the House of Representatives*, 1917, p. 615.

²²⁴ *Laws of Iowa*, 1917, Ch. 396.

²²⁵ *Journal of the House of Representatives*, 1917, pp. 1061, 1062, 1326; *Journal of the Senate*, 1917, pp. 1203, 1204.

the House, which unfortunately was allowed to die in the Senate Sifting Committee. This would have limited the open season on ducks, geese, and migratory birds generally to the period between September 15th and December 15th, thus permitting the killing of these birds during but three months of the year instead of seven and one-half months. The need for such a change had been pointed out by the Warden. Efforts upon the part of individual Senators, however, to secure the passage of acts repealing the semi-permanent periods of closed season on quail and the prairie chicken were not successful.²²⁶

The Thirty-ninth General Assembly, apparently without serious opposition from within or without the legislature, extended to 1927 the closed season on the prairie chicken, the quail, the ring-neck pheasant, the partridge, and "other imported game birds". The effect of this action with respect to the ring-neck pheasant will be considered in another connection. Another law of the Thirty-ninth General Assembly prohibited the killing or trapping of raccoons from February 1st until October 15th.²²⁷ A bill of the Thirty-seventh General Assembly which aimed to provide this protection had failed to become law, as pointed out above.

The Fortieth General Assembly continued the policy of semi-permanent closed seasons with respect to game birds by prohibiting the killing of any ruffed grouse prior to November 1, 1932, a period of nine years. It also extended protection to skunks and skunk-dens to the same degree as it already existed with regard to raccoons and muskrat

²²⁶ *Journal of the House of Representatives*, 1919, pp. 2060, 2061; *Journal of the Senate*, 1919, pp. 1584, 1589, 2088; *Biennial Report of the State Fish and Game Warden of Iowa*, 1913-1914, p. 10.

²²⁷ *Laws of Iowa*, 1921, Chs. 25, 33, 85, 87.

dens, respectively; and an additional month was added to the closed season on both skunks and raccoons.²²⁸

One law, long on the statute books, was repealed by the Fortieth General Assembly. This law had prohibited the use by hunters of an artificial ambush "or other device used for concealment in the open water". When this law was enacted the strategy of artificial concealment was considered not entirely sportsmanlike since there was then an abundance of natural forest and woodland growth, and game birds could be hunted readily enough without the use of improvised ambushes. But with the clearing of the swamps and the "improvement" of the lands serving as the haunts of wild life — apparently ever an accompaniment of an increase in population within a territory — the use of an artificial ambush became in many cases necessary if water-fowl was to be hunted with a reasonable degree of success. In this light, the action of the Fortieth General Assembly in legalizing a practice which had been outlawed since 1897 appears not improper.²²⁹

The Fortieth General Assembly, in special session for the purpose of revising and codifying the law of Iowa, also made a number of more or less important alterations in the game laws.

The number of days during which fur-bearing animals might be had in possession after the close of the season was raised from five to ten. The hunting or shooting of game birds which previously had been forbidden between sunset and sunrise was now prohibited between sunset and thirty minutes before sunrise. The blue-jay and the English starling were added to those birds not accorded protection, and the killing of such birds as the gull, heron, and others was

²²⁸ *Laws of Iowa*, 1923, Chs. 29, 31.

²²⁹ *Laws of Iowa*, 1923, Ch. 30.

to be permitted "on the grounds and waters of any public or private fish hatchery within the state by the owner, superintendent, or employee thereof." The reason for this measure is obvious.

The prohibition of the transportation or offering for transportation of game *for sale* was continued; but a non-resident hunter was permitted to ship game which he had lawfully taken out of the State to his place of residence with certain limitations upon the number which might be shipped in any one day. This number varied from eight in the case of "male imported pheasant" to fifty in the case of water-fowl. These new limitations applied also to game shipped to points within the State, other regulations concerning which had been made by previous General Assemblies.

A uniform penalty for violation of any of the game or fish laws was provided, involving a fine ranging from ten to one hundred dollars or a jail sentence of not more than thirty days. It was specifically provided that "each fish, fowl, bird, bird's nest, egg or plumage, and animal unlawfully caught, taken, killed, injured, destroyed, possessed, bought, sold, or shipped shall be a separate offence."²³⁰

One outstanding problem with respect to game protection was presented to the Forty-first General Assembly. This was the status of the ring-neck pheasant. It will be recalled that in 1907 a law had been enacted declaring a closed season on pheasants until 1915. This had been extended at subsequent sessions of the legislature, first to 1917, then to 1922, next to 1927, and ultimately to 1932. Thus by 1925 the killing or trapping of ring-neck pheasants had already been prohibited for eighteen years, and the Fortieth General Assembly in extra session had made of

²³⁰ *Code of 1924*, Secs. 1766, 1770, 1776, 1780, 1783, 1789.

indefinite duration the prohibition of the killing or trapping of these pheasants.²³¹

During this long period of protection the number of ring-neck pheasants in the northeastern part of the State had considerably increased. But in other parts of Iowa, particularly the southern half, they were not plentiful. It was but natural, then, that successive General Assemblies should have continued the protection afforded the pheasant.

But awaiting the Committees on Claims of the House and Senate of the Forty-first General Assembly were no less than eighty-five remonstrances from farmers and landowners of counties in the northern part of the State, asking damages from ten to three hundred and forty-five dollars for alleged destruction to their crops by pheasants. From these petitions it appears that potatoes, tomatoes, and corn were the crops chiefly affected by the activities of the birds. According to a portion of the affidavit of one of the claimants, the pheasants seemed to be particularly fond of corn which had already sprouted, their method of removing this being "both by means of scratching it out and also by digging it out with the bill."

The logic of the argument under which the petitioners presented their claims was simple. The claimants were forbidden by the State from killing or trapping the pheasants which were destroying their property. The State was liable for any damage, therefore, which accrued to landowners and farmers through the activities of the pheasants, so long as the destruction of these birds was forbidden.

The Attorney General, in submitting the claims to the proper committees of the legislature, stated that there would appear to be no moral or legal obligation on the part

²³¹ *Code of 1924*, Sec. 1767.

of the State to pay these claims. He pointed out that when through the exercise of its police power in the interests of the general welfare, there are property losses on the part of a portion of the population, "the state is not liable for damages because of such legislation. To open such a field to claimants seeking damages would unquestionably place a burden upon the taxpayers that they should not be required to bear."

He did, however, refer to the case of *State v. Ward*²³² in which the killing of a deer by a property owner, contrary to law, was upheld, since the killing had been done to safeguard property, the right to protect property being held to be a constitutional right. The Attorney General concluded with the observation that the rule established in *State v. Ward* with respect to deer, in his opinion, "would apply to the right to kill pheasants, if it becomes necessary to prevent substantial injury to the property of the land owner."²³³

But the legislature apparently realized the probable situation if the rule laid down in *State v. Ward* were applied generally with respect to ring-neck pheasants. The result would doubtless be a general slaughter of the pheasants in that part of the State where they were abundant. If prosecutions were attempted, the courts would be crowded with cases in each of which the question of whether there had or had not been property damage would have to be determined by the court. And public opinion in the part of the State where pheasants were abundant would doubtless almost invariably favor the land-owners, juries being reluctant to convict in cases where there was a shadow of evidence sup-

²³² 170 Iowa 185.

²³³ Report of the Attorney General in the matter of the claim of Andrew Austin and eighty-four others.

porting the property-owner in his contention that the killing of the pheasants was necessary to protect his property. The virtual disregard of the law which would not improbably follow under such circumstances might become general throughout the State, with the result that the statute prohibiting the killing of pheasants would ultimately be a dead letter.

The legislature solved the problem by amending the provision of the law respecting the permanent closed season on pheasants by vesting in the Fish and Game Warden discretionary power to cope with the situation.

The act provides that whenever one hundred and fifty or more farmers or land-owners of any county whose property had been damaged by pheasants shall so petition the State Fish and Game Warden in writing, the latter may authorize the killing or capturing of pheasants in that county for a temporary period. But during this time not more than twelve pheasants may be killed by any one person in a single day. There is no limit, however, to the number which may be captured alive, and to encourage the capture, rather than the killing of the pheasants, the Warden is authorized to offer a bounty not to exceed one dollar for each bird captured and delivered alive to him. The Warden is then to distribute these birds at his discretion to those parts of the State where they are scarce.²³⁴

Two other acts relative to game protection were enacted by the Forty-first General Assembly. One of these prohibits the killing of muskrat from October 15, 1925, to October 15, 1928. The other insures protection to trappers in possession during the closed season of fur-bearing animals which have been lawfully taken during the open season.²³⁵

²³⁴ *Laws of Iowa*, 1925, Ch. 38.

²³⁵ *Laws of Iowa*, 1925, Chs. 36, 37.

V

FISH AND GAME PROPAGATIVE LEGISLATION

In the realm of wild-life legislation the protective laws — those restraining or regulating directly or indirectly the taking of fish and game — hold the chief place. But no study of the subject with which we are concerned would be complete without an examination and discussion of the laws which have sought to increase the natural supply of fish and game through artificial means, thus compensating in some measure for the losses — legitimate and illegitimate — resulting from the taking of the wild creatures of field and stream.

It should be pointed out, however, that the relatively meagre amount of propagative legislation in Iowa is by no means a fair indication of the extent to which fish and game culture has been promoted by the Wardens and subordinate officials of the department. Particularly in recent years has the scope and scale of this work increased. It has been carried on, to be sure, under legislative sanction, but detailed laws concerning it, unlike the situation with respect to wild-life protection, have been neither necessary nor expedient. For the problem of the artificial propagation of fish and game is in large measure a technical one, the details of which must be determined by administrators, not legislators. Thus, in general, fish and game culture has been carried on under the general grants of authority vested in the Warden. Such legislation of a specific nature as has been enacted in this connection, however, merits consideration.

FISH

The first legislative action looking toward the promotion of pisciculture in Iowa was taken by the Fifteenth General

Assembly which appropriated three thousand dollars for the purpose of placing "in the lakes and rivers of Iowa . . . any fishes or impregnated fish-spawn that may be furnished . . . by the United States or in any other way free of expense to the state." The work was to be carried out by the newly appointed Fish Commissioners, under the direction of the Executive Council. The bill appears to have encountered no very serious opposition in either the House or the Senate.²³⁶

The next General Assembly enacted an act with far more comprehensive provisions concerning pisciculture. This was to be expected, since there was now in operation a State Fish Hatchery, established at Anamosa through the funds appropriated at the previous legislative session. The Fish Commissioner (for, as pointed out in Chapter I, the same act substituted a single commissioner for the three previously provided for) was first instructed by the act "to proceed without unnecessary delay to distribute among the several counties in the state, fairly and as equally as in the judgment of the commissioner may be to the best interest of the state, all the fish now on hand at the state hatching house at Anamosa, that are now ready and fit for distribution; *provided*, always, that counties that have heretofore been partially supplied shall receive less, in proportion to the numbers they have heretofore received."²³⁷

Very specific was the requirement in the second section of the act that the Commissioner was to procure and distribute five hundred thousand eels throughout the waters of the State. For this purpose one thousand dollars might be used. Another thousand was to be expended in encouraging the culture of fish native to Iowa waters.

²³⁶ *Laws of Iowa*, 1874 (Temporary), Ch. 74.

²³⁷ *Laws of Iowa*, 1876, Ch. 70, Sec. 1.

In accordance with a recommendation of the Fish Commissioners, the act declared the ownership of fish resulting from private pisciculture to be vested in those parties responsible, provided the pond or lake in which the culture was carried on had no "natural outlet". Another clause of this same act, again in accordance with the Commissioner's recommendation, provided for the purchase of the site of the State Fish Hatchery which up to this time had simply been rented.²³⁸

In order to facilitate the carrying out of the duties relative to fish propagation bestowed upon the Fish Commissioner, and in accordance with the Commission's own recommendation, the same act authorized the Commissioner to take fish for culture purposes from the waters of the State "by any method", notwithstanding the general restrictions upon the methods of taking fish prescribed in this act and in previous acts, as noted in other chapters. The law carried an appropriation for the biennial period of \$8750, the Commission having requested \$10,000. The same act required the Commissioner to submit to the Executive Council each year a report showing the number of fish distributed in the various public waters of the State and containing "such general information on the subject of fish culture as said commissioner may think proper".²³⁹ This report was subsequently made biennial.²⁴⁰

An act embodying some fish culture provisions was enacted by the Seventeenth General Assembly, but these consisted chiefly of a more concise statement of the important

²³⁸ *Biennial Report of the State Fish Commissioners of Iowa, 1874-1875*, p. 36; *Laws of Iowa, 1876*, Ch. 70, Secs. 4, 8.

²³⁹ *Biennial Report of the State Fish Commissioners of Iowa, 1874-1875*, pp. 36, 73; *Laws of Iowa, 1876*, Ch. 70, Secs. 3, 5.

²⁴⁰ *Laws of Iowa, 1878*, Ch. 80, Sec. 4.

provisions of the act we have just considered. It is of interest to note, however, that the duties of the Fish Commissioner, as outlined by this act, were confined to the promotion of fish culture, and did not specifically embrace the enforcement of the fish protective laws. His duties, as defined by the act, were "to have general charge and superintendence of the state hatching house . . . to forward the restoration of fish to the rivers and waters of the state, and to stock the same with fish from said hatching house, and elsewhere". Later, as pointed out in previous chapters, the authority of the Warden was specifically extended to include the enforcing of the protective laws as well.²⁴¹

The appropriation of the Seventeenth General Assembly for fish culture, however, was but \$6000 and the next biennial appropriation was only \$5000.²⁴² Even this amount was not granted by the House without some opposition upon the part of certain members of the Committee on Appropriations who submitted a minority report claiming that "a vast amount of money" had been spent "without demonstrating that there has been or ever will be any beneficial results to the people derived therefrom." The report went on to recommend that the property used for the fish hatchery be disposed of. Fortunately, for the interests of fish culture, the minority report was rejected.²⁴³

Appropriations of \$5000 for fish propagation were made by both the Nineteenth and Twentieth General Assemblies, the latter, however, granting an additional amount sufficient to pay the annual rental of the fish hatchery at Spirit Lake, which had been established in June, 1880, by order of

²⁴¹ *Laws of Iowa*, 1878, Ch. 80, Sec. 1.

²⁴² *Laws of Iowa*, 1878, Ch. 80, Sec. 3, 1880, Ch. 100.

²⁴³ *Journal of the House of Representatives*, 1880, p. 428.

the Governor.²⁴⁴ Thus relatively small appropriations continued to be made despite the Commissioner's statement in 1883 that, "Our appropriations are too small to do a heavy work that would tell very rapidly in Iowa waters".²⁴⁵

In 1886 the legislature provided for the discontinuance of the hatchery at Anamosa. As a matter of fact, the disposal of one of the hatcheries had been recommended by the Commissioner who was chiefly interested in the enforcement of the fish protective laws and had not the same measure of enthusiasm for pisciculture, particularly that involving the introduction of foreign varieties, as had his predecessor. However, by providing for the removal, so far as practicable, of the Anamosa hatchery to Spirit Lake, the act looked toward augmenting the remaining public hatchery.²⁴⁶

In the Twenty-first General Assembly one member of the Fish and Game Committee of the House favored the passage of a bill designed to abolish the fish department entirely, giving as his sole reason the fact that judging from the sixth biennial report of the Commissioner the attempt to introduce fish from outside the State into Iowa waters had proved a failure. Emphasis, so far as pisciculture was concerned, was subsequently placed chiefly on the hatching and distribution of fish native to Iowa. Despite the lull in enthusiasm for fish culture, however, the Twenty-second and successive Assemblies continued to make appropriations for the carrying on of the work.²⁴⁷

²⁴⁴ *Laws of Iowa*, 1882, Ch. 99, 1884, Ch. 144; *Biennial Report of the State Fish Commission of Iowa*, 1879-1881, p. 5.

²⁴⁵ *Biennial Report of the State Fish Commission of Iowa*, 1881-1883, p. 47.

²⁴⁶ *Biennial Report of the State Fish Commission of Iowa*, 1883-1885, pp. 1-10, 28, 29; *Laws of Iowa*, 1886, Ch. 155.

²⁴⁷ *Laws of Iowa*, 1888, Ch. 134.

Of an encouraging tenor was the report of a joint committee of the House and Senate of the Twenty-fifth General Assembly, appointed for the purpose of visiting the hatchery and reporting concerning their findings. "We are of the opinion", the report read, "that the appropriation of the Twenty-fourth General Assembly has been wisely and economically expended for the objects for which the same was appropriated." The report went on to say, however, that "while considerable good has no doubt been accomplished in the former line [fish propagation and distribution] and while the same should not be abandoned, yet we are of the opinion that the protection of fish now in the waters of the State from wholesale destruction by means of unlawful appliances, is at present the chief work of the Commission". The report recommended the purchase by the State of a fish-car for the more convenient distribution throughout the State of fish rescued from the land-locked sloughs and bayous of the Mississippi and Missouri rivers. The Commissioner had previously made a similar recommendation and this was repeated two years later.²⁴⁸

The purchase of a fish-car by the State was also urged in the report of a joint committee of investigation of the hatchery appointed under authority of a concurrent resolution of the Twenty-sixth General Assembly, providing for visiting committees for the various State institutions. The report spoke favorably of the work being carried on at the hatchery, adding that an examination of the Commissioner's report showed that "people from all parts of the state have been quite generously supplied with the various kinds of fish for stocking the various streams." The legislature, however, failed to act upon these recommendations and a

²⁴⁸ *Journal of the House of Representatives*, 1894, pp. 244-246; *Report of the State Fish Commission of Iowa*, 1892-1893, p. 5, 1894-1895, pp. 3, 4.

fish-car was finally purchased from the general appropriation made for the culture work.²⁴⁹

The main achievement of the Twenty-sixth General Assembly with respect to fish culture was the enactment of a law concerning Spirit Lake and the Okoboji Lakes—Iowa's "Great Lakes". "Spirit and Okoboji Lakes", the act began, "are hereby declared to be public, navigable waters, and their preservation and improvement [among other things] . . . for the culture of fish therein, are hereby declared to be matters of public concern and importance." For the accomplishment of this purpose the act empowered the Fish Commissioner to proceed with the construction of a dam which would keep the water in the lakes "at ordinary high water mark", and to construct a screen at the top of the dam such as would prevent the escape of the fish from the lakes. The act also authorized the Commissioner to make whatever use of the lakes as would encourage the propagation of the fish in them with a view to the promotion of the work of the hatchery, the chief object of which was to supply the public waters of the State with fish.²⁵⁰

The Twenty-sixth General Assembly did not, however, as the Commissioner had hoped, appropriate a larger amount for pisciculture than the \$6000 voted by the preceding General Assembly, although the Commissioner had pointed out that Iowa's appropriation for fish culture compared unfavorably with that of the neighboring States of Missouri, Illinois, Minnesota, and Wisconsin, in which States the biennial appropriations ranged from \$16,000 to \$40,000.²⁵¹

²⁴⁹ *Journal of the House of Representatives*, 1896, pp. 226, 229; *Biennial Report of the State Fish Commission of Iowa*, 1896-1897, p. 8.

²⁵⁰ *Laws of Iowa*, 1896, Ch. 120.

²⁵¹ *Laws of Iowa*, 1894, Ch. 153, 1896, Ch. 148; *Biennial Report of the State Fish Commission of Iowa*, 1894-1895, p. 6.

At the next session of the legislature, however, the appropriation was increased to \$8000 exclusive of \$1000 for the payment of deputies and the protection of game. Two years later the amount set aside by the legislature for the propagation, gathering, and distribution of fish was \$13,000. The Twenty-ninth General Assembly, however, probably inadvertently, failed to make any appropriation for fish propagation whatever, with the result that it was necessary to abandon temporarily the Mississippi River fish rescue work, to be briefly described at the close of this chapter.²⁵² From then on, however, up to and including 1909, appropriations of varying amounts for fish culture were made, the legislature after 1909 assuming that the license fees paid by hunters and boundary river commercial fishermen would furnish a sufficient amount for the carrying on of fish propagation and distribution.²⁵³

At its extra session for the purpose of revising and codifying the laws, the Twenty-sixth General Assembly technically increased the powers of the Warden with respect to pisciculture by providing that he should have "charge and management of the state fish hatcheries" in general.²⁵⁴

GAME

The office of Fish and Game Warden was created by the Twenty-sixth General Assembly in extra session. But although the act, by specifically providing that the Warden was to have "charge and management of the state fish hatcheries", emphasized pisciculture, not a word was said concerning game propagation. Acting under his general

²⁵² *Laws of Iowa*, 1898, Ch. 134, 1900, Ch. 151; *Biennial Report of the State Fish and Game Warden of Iowa*, 1902-1903, p. 5.

²⁵³ *Laws of Iowa*, 1904, Ch. 153, 1906, Ch. 178, 1907, Ch. 210, 1909, Chs. 154, Sec. 12, 155, Sec. 3.

²⁵⁴ *Code of 1897*, Sec. 2539.

powers, however, the Warden in 1913 established a State Game Farm which two years later was moved to its present location just outside Des Moines.

An act providing for private game bird preserves was enacted by the Thirty-sixth General Assembly. This act permitted the raising of game birds for sale either as food or for purposes of breeding or stocking, provided that the farm on which they were raised was wholly enclosed. Chiefly for purposes of regulation, each private game preserve so established was to be licensed, the annual fee being two dollars.²⁵⁵

In 1917 a most comprehensive act was enacted conferring upon the Fish and Game Warden the power "by and with the written consent of the executive council" to establish public parks. These parks were to be established "upon the shores of lakes, streams, or other waters of the state, or at any other places which have by reason of their location become historic or which are of scientific interest, or by reason of their natural scenic beauty or location become adapted therefor". The act vested the Executive Council with the power to purchase or condemn land for the parks themselves and also for roads whereby access might be gained from the highways into the parks.

To promote the purpose of the act, provision was made for donations of private lands, the erection of dams across streams or at the outlets of lakes, and the regulating of the general public use of the parks. Control over these matters was vested either in the Warden or the Executive Council, or in both.

The act further provided for appointment by the Executive Council of three persons who, with the Curator of the Historical Department, were to constitute a Board of Con-

²⁵⁵ *Laws of Iowa*, 1915, Ch. 293.

servation. The duties of this board were to "investigate places in Iowa, valuable as objects of natural history, forest reserves, as archaeology and geology, and investigate the means of promoting forestry and maintaining and preserving animal and bird life in this state and furnish such information to the executive council for the conservation of the natural resources of the state, from time to time, and said recommendations shall be printed in such numbers as the council shall authorize, and shall be furnished each member of the succeeding general assembly." The duties of this board were purely advisory.

Finally the act carried an outright appropriation of fifty thousand dollars from the fish and game protection fund, and provision was made for a like appropriation annually thereafter, provided that such a sum did not exceed one-half of the total annual receipts of the fund.²⁵⁶

Two years later, however, the act concerning public parks was so amended as to transfer to the Board of Conservation the powers conferred by the original act upon the Fish and Game Warden. The amendatory act repealed the clause appropriating fifty thousand dollars annually from the fish and game protection fund for the establishment and maintenance of the parks, but provided that, in addition to an annual appropriation of one hundred thousand dollars from the State treasury, there was to be appropriated "out of the fish and game protection fund any portion thereof which is in the judgment of the executive council unnecessary for the support and maintenance of the fish and game department". Thus the funds of the fish and game department might be drawn upon for the support of the State parks, over which the department was given no control.²⁵⁷

²⁵⁶ *Laws of Iowa*, 1917, Ch. 236.

²⁵⁷ *Laws of Iowa*, 1919, Ch. 368.

The powers of the Board of Conservation were further increased by an act of the Thirty-ninth General Assembly, the provisions of which among other things authorized the Board to "take control and management of all meandered streams and lakes belonging to the state for park purposes, the jurisdiction over which has not otherwise been conferred by law."²⁵⁸

By action of the Fortieth General Assembly the membership of the Board of Conservation was increased to five members, the Curator of the Historical Department no longer being ex officio a member. In certain minor particulars the powers of the Board were increased. In like manner the Fortieth General Assembly in extra session amplified in certain details the powers of the Board of Conservation.²⁵⁹

By an act of the Forty-first General Assembly the Fish and Game Warden was authorized to establish game preserves on any land set apart as a park by the Board of Conservation or on any other land of the State suitable for such a purpose. Shooting and trapping on the land so set apart is forbidden, but the Warden is authorized to provide for the killing or trapping of predatory animals and birds thereon. Due notice of the establishment of such refuges is to be given by the Warden through publication and by the posting of notices near the areas affected.²⁶⁰

Another very important law of the Forty-first General Assembly pledges the coöperation of Iowa in the establishment of the "Upper Mississippi River Wild Life and Fish Refuge", in accordance with an act of Congress approved on June 7, 1924. The object of the congressional act is to

²⁵⁸ *Laws of Iowa*, 1921, Ch. 135, Sec. 3.

²⁵⁹ *Laws of Iowa*, 1923, Ch. 33; *Code of 1924*, Sees. 1803-1811.

²⁶⁰ *Laws of Iowa*, 1925, Ch. 32.

set apart, under Federal supervision, some 345,000 acres of land on either side of the Mississippi River which, in conjunction with the river itself, will serve as a haven for the wild creatures of field and stream. The enabling act passed by the General Assembly of Iowa grants to the Federal government all public lands of Iowa which are "subject to overflow and not used for agricultural purposes or salvaging stations" so long as the United States uses the land as a refuge for wild-life. For the same purpose the acquisition by the Federal government of private lands in Iowa's jurisdiction is also granted, provided the acquisition "be first approved by the state board of conservation, by the state game warden of this state, and the executive council" and provided also that "the states of Illinois, Wisconsin, and Minnesota grant a like consent." All these States, by the passage of enabling acts similar to Iowa's, have given this consent.²⁶¹

It may not be out of place, in bringing this chapter to a close, to reiterate what was said in the beginning: the extent to which the propagation of fish and game is promoted by the Warden and his subordinates is not substantially indicated by the scope of the legislation in this particular field. Particularly is this true at the present time when so much attention is being given by the department to the propagation and preservation of both fish and game by positive methods.

As an illustration of this there may be cited the fish rescue work which is being carried on in the vicinity of Lansing and Sabula on the Mississippi River. Like all rivers the Mississippi is highest in the spring of the year, spreading over vast areas outside its bed. As the water

²⁶¹ *Laws of Iowa*, 1925, Ch. 1; an article entitled *A Sportsman's Paradise — The Upper Mississippi Wild Life and Fish Refuge in Outdoor America*, August, 1925, pp. 34, 35.

lowers in the late spring, lakes are formed throughout this area, and as the warm weather approaches the steadily subsiding river tends to cut off the water supply from these lakes. As a result their waters become stagnant, dry up, or freeze in winter, and the fish in them, in large measure, perish. Through the work of the Fish and Game Warden and his subordinates many of these fish are rescued, the majority of them being returned to the main channel of the river, but a goodly number are sent to numerous rivers and lakes of inland Iowa, there to propagate their kind. Steel tanks are used for the detention of the rescued fish, and their distribution is effected chiefly through the use of a specially constructed railroad car.²⁶²

Yet there is scarcely a word in any of the permanent fish legislation of Iowa concerning this work — of enormous potential importance in the maintenance in Iowa's waters of a reasonable abundance of its fish. Nor is it necessary or expedient, as pointed out in the beginning of this chapter, that there be legislation directly concerning it. The amount of legislation in the realm of fish and game propagation is no criterion of the extent to which this particular phase of our subject has received attention in the administration of the general laws pertaining to it.

VI

CONCLUSION

In the molding of the fish and game legislation of the State of Iowa three factors have been instrumental. The first of these has been the advice of the Fish and Game Warden. Again and again throughout the course of this review it has been pointed out that a law was enacted "in

²⁶² *Biennial Report of the Fish and Game Warden of Iowa, 1922-1924*, p. 9.

accordance with the recommendation of the Warden''. In some cases but a single advocacy of a desired change in the fish and game laws has been necessary to effect that change. In others — a notable instance of which was the resident hunters' licensing system — a campaign of education has been necessary during which the same recommendations were made by the Warden over and over again. But apparently no legislation for which the Warden has fought consistently, patiently, and untiringly has failed of ultimate enactment.

This is as it should have been. The regulation of the activities of the people with respect to fish and game is a technical problem, for the proper solution of which the advice and counsel of the one to whom has been intrusted the administering of the wild-life laws is essential. Statute books, Federal and State, are replete with laws which can not and, in numerous cases, should not be enforced. This condition has been due, in part, to a legislative policy which has not taken sufficient account of the opinions of the law's administrators. To-day, more than formerly, the importance of the legislative function of governmental administrative officers is recognized, and it may properly be expected that the General Assembly will be even more prone than previously to act upon the recommendations of the Fish and Game Warden concerning fish and game legislation.

A second factor in the molding of the fish and game legislation of Iowa has been the influence exerted by the constituents of the legislators. Whenever the people, through petitions, have strongly urged the enactment of a certain act, that law has almost invariably been passed. Indeed instances have been cited of individual legislators or of committees who have frankly declared that their action

with respect to a particular bill was prompted by the desires of their constituents. That such is the case should be encouraging to the every-day citizen who is inclined to underestimate his potential powers in framing indirectly the legislation under which he is governed. If the petition is an effective agency in bringing about desired legislation in the sphere of fish and game, there would appear to be no reason why it should not be equally effective in securing needed legislation in other fields of legislative activity.

The third of the factors responsible for the framing of the fish and game legislation of Iowa may be said to have been the discretion exercised by the legislature, independent of the pressure brought to bear upon their membership through the two influences which have just been considered. In the enactment of legislation there are invariably conflicting points of view with respect to the policy to be followed. Nor has the sphere of fish and game been an exception. At one extreme have been those who, interested only in the slaughter of Iowa's wild-life, have desired a legislative policy of *laissez-faire* — of “hands off”. There have been people, on the other hand, who, unable or unwilling to appreciate the point of view of the sportsman, have urged the most drastic legislation for the protection of Iowa's wild-life, particularly game.

It is to the credit of the legislature that, in general, a course midway between these two extremes has been followed. The legislature has realized that conservation and provision for a limited taking of fish and game are not necessarily incompatible. For fishing and hunting have ever been regarded as healthful and legitimate recreations, and fish and game as wholesome and appetizing food. Yet obviously only through a policy of reasonable conservation will there continue to be fish and game to furnish sport for

the fisher and hunter and food for the family larder. Nor are these the most important reasons why the fish and game of the State should be conserved. Indeed, no group is more alive to the necessity for the reasonable regulation of fishing and hunting than are the sportsmen of to-day. The Isaac Walton League, nominally an association of fishers and hunters but virtually an organization of conservationists, is a case in point.

There is, indeed, one circumstance which renders a legislative policy of reasonable conservation difficult with respect to fish and game. This is the lack of uniformity in the distribution throughout the State of the various kinds of wild-life. Thus a law regulating the fishing or hunting of a certain variety of fish or game may be too strict with respect to those parts of the State where the particular variety is abundant, and not sufficiently rigid in those sections where it is scarce. Under such conditions, it is difficult to secure respect for the law since the people of each section will judge the legislation solely on the grounds of its expediency so far as that particular locality is concerned. The way out of this difficulty was indicated by the legislature itself in the law relative to the ring-neck pheasant enacted at the most recent session of the General Assembly. This act, it will be recalled, vests discretionary power in the Warden by giving him the right, under certain conditions, to grant or withhold protection with respect to the ring-neck pheasant. It may appear that a general extension of such discretionary power will be needful for the reasonable conservation of the fish and game in the various sections of the relatively large State of Iowa.

And while we may expect further limitations upon the activities of the sportsman as time goes on, it is probable that the legislature will harbor no delusion that the strict-

est protective laws will preserve intact Iowa's wild-life. "You may blame the hunter all you will", said a speaker before the State Conservation Association in 1924, "and you may pass all the game laws you can write, but you will not have as much game in Iowa next year as you have this."²⁶³ An observation somewhat similar might be made concerning fish. Why is this? It is simply due to the inevitable transformation of what Stewart Edward White would call "the silent places" of Iowa into habitable regions. The history of all mankind has been marked by an ever constant adaptation to human needs of the resources of nature. We call it "progress", but unfortunately the maintenance of the *status quo* of the creatures of field and stream has never been compatible with this progress.

And so in Iowa the timber has been cut, the swamps have been drained, the streams have been straightened — all in order that more corn may grow and more hogs may thrive. Is this justifiable? Certainly, when the benefits resulting from such transformation are in keeping with the price that has been paid, but not so when the nesting places of our birds are destroyed, the haunts of our fish drained, the retreats of our wild animals obliterated — only to provide a little more farm land of a quality which will not, in the long run, yield returns commensurate with the cost.

The reader may ask what has all this to do with fish and game legislation in Iowa? Simply this: so far as feasible the effects of the plow, the axe, and the drain tile must be counteracted by the establishment of fish preserves and game sanctuaries. Exercising its power of eminent domain, the State must reclaim those few remaining wild

²⁶³ From an address by Arthur Goshorn on March 7, 1924, before the Iowa State Conservation Association, as printed in the *Winterset News* for March 13, 1924.

areas which, if left in private hands, might in the name of civilization be ruined as refuges for game and as habitats for fish. And there will be also in order stricter regulations governing the reclamation of private property.

The State of Iowa is justly proud of its position agriculturally: it is said on good authority that Iowa in the near future will double her production of live-stock.²⁶⁴ But growth and expansion in this direction, if a proper policy is followed, need not be accompanied by the virtual disappearance of the State's wild-life. And the formulation of this policy rests in the hands of the legislators of Iowa.

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²⁶⁴ See the address referred to in the preceding reference.

THE EVOLUTION OF THE AGRICULTURAL FAIR IN THE NORTHWEST

The establishment of the agricultural fair or "cattle show" marks the first effective effort to improve the general conditions of farming in the United States.¹ The "literary" agricultural societies of the latter eighteenth and early nineteenth centuries, with their exclusive gatherings, imposing memoirs, and select foreign correspondence, made little impress upon the husbandry of their day.² It was only when the new ideas were motivated and visualized in competitive exhibitions and the farmers themselves brought together for an interchange of experiences that a real beginning was made in the transformation of pioneer cultivation and stock breeding.

Agricultural shows, as distinct from the ancient market-fairs,³ had been held in England since 1777,⁴ and Washington had included premium granting exhibitions among the functions of the proposed nationally-subsidized board of agriculture which he urged upon Congress in his last mes-

¹ Agricultural progress "might almost be said to date from the establishment" of county agricultural societies working largely through their annual fairs said Secretary R. G. Baird.—*Report of Michigan State Board of Agriculture*, 1878, p. 575.

² Bidwell and Falconer's *History of Agriculture in the Northern United States, 1620-1860*, p. 186.

³ Market fairs were held in all of the American colonies except Connecticut, and doubtless furnished precedents, especially on the social side, for the agricultural fair.—Andrews's *Colonial Folkways* (Chronicles of America Series, Vol. IX), pp. 120, 121; True's *The Early Development of Agricultural Societies in The United States* in the *Report of the American Historical Association*, 1920, pp. 303, 304.

⁴ Curtler's *A Short History of English Agriculture*, p. 233.

sage in 1796.⁵ From 1804 to 1806 three fairs combining market and exhibit features were held at the capital under the patronage of the first Commissioner of Patents.⁶

But the American agricultural fair as a permanent and distinctive institution dates from the promotive work of Elkanah Watson, who has quite justly been termed the "father of the agricultural fair."⁷ After founding his Berkshire Agricultural Society for the holding of annual cattle shows this tireless "agricultural missionary" carried on a successful agitation for his favorite institution throughout New England and in some ten additional States as far west as Ohio.⁸ From this parent Berkshire society, wrote the Commissioner of Patents in 1857, "sprang the system of agricultural societies and shows, as they exist at present, in most parts of the United States."⁹

At the start these American shows were doubtless modeled closely upon their English prototypes, but under the peculiar economic and social conditions of the New World the institution developed a distinctive character by the time fairs were established in the Northwest.¹⁰

⁵ Richardson's *Messages and Papers of the Presidents*, Vol. I, p. 202.

⁶ *Agricultural Education in the United States* in the *Yearbook of the United States Department of Agriculture*, 1899, p. 160.

⁷ Butterfield's *Farmers' Social Organizations* in Bailey's *Cyclopedia of American Agriculture*, Vol. IV, p. 292.

⁸ Watson's *Men and Times of the Revolution or Memoirs of Elkanah Watson* (Second Edition), pp. 421-430, 456-458; *Report of the Commissioner of Patents*, 1857, Agriculture, p. 23.

R. H. True holds that the exhibition of the Columbian Agricultural Society at Washington in 1810 slightly antedated the first regular fair of the Berkshire society.

⁹ *Report of the Commissioner of Patents*, 1857, Agriculture, p. 23. See also Schafer's *History of Agriculture in Wisconsin*, p. 105.

¹⁰ As used in this paper, the term "Northwest" includes the five States of the "Old Northwest" and Iowa and Minnesota.

During the period of pioneer isolation, when there was no sufficient incentive to increased or bettered production and no adequate facilities for social intercourse, agricultural organization could have no place in western economy and society. But by about 1820, when the forces were beginning to stir which were to transform our agriculture from a largely self-sufficing to a commercial basis, such organizations began to appear, and they were destined to have a significant part in the transformation.

Ohio's first county agricultural society was organized in 1820 and held fairs "previous to 1828, and annually thereafter." In 1833 the legislature made provision for the formation of county societies and we have the rather indefinite record that "many societies have been organized in conformity with this act". Nearly all of these societies conducted fairs for a time, but "for want of public spirit and perhaps public sentiment" to sustain the good work the organizations were gradually discontinued until the act of 1846, providing an agricultural board and fund, led to a marked and permanent revival.¹¹

In Illinois a so-called State agricultural society was formed in 1819 and had a nominal existence through 1823 when the members, "becoming tired of keeping up their organization, turned over their surplus funds to the Sunday School agent . . . and disbanded." Meetings were held for the reading of papers but apparently there were no public exhibitions. In 1822 a county society was started and held annual fairs, at which premiums were offered for farm products as well as for wolf scalps. This continued until 1825 when its activities ceased. A district organization embracing nine northern counties was char-

¹¹ J. H. Klippart in the *Report of the Ohio State Board of Agriculture*, 1859, p. 510; Burkett's *History of Ohio Agriculture*, pp. 191, 192.

tered in 1839 and held four fairs before its demise in 1846. In 1841 a second effort was made to found a State society but the project did not get beyond the organization stage. By this date at least four counties were holding fairs and during the next two years a score or more new societies were formed. Most of these ventures were premature, and by the end of the decade only two or three fairs were reported for the entire State. Such was the situation when the formation of a State agricultural society in 1853 aroused a new and lasting interest in both State and local exhibitions.¹²

The beginnings of agricultural fairs in other States of the group may be briefly summarized. Michigan's first fair-holding society, after unsuccessful attempts in the thirties, was launched in 1845. Fairs in Iowa followed closely upon agricultural settlement, being held in the first settled counties as early as 1841. Indiana fairs were considerably belated. They did not get under way until after the organization of a State board in the early fifties, but later they multiplied rapidly. In its first annual report the board observed that it was "very remarkable that a pursuit in which more than four-fifths of our population are engaged should have remained so long without that spirit of emulation which the meetings of county and State fairs are so well calculated to bring about. The public mind seems now to have waked up to the realization of something practical; and each man asks for himself the best system, the best mode, the best manner of reaping the rewards of the labor bestowed on the soil."¹³

¹² W. C. Flagg in *Transactions of the Illinois State Agricultural Society*, 1869-1870, pp. 209-211, and *Transactions of the Department of Agriculture of the State of Illinois*, 1875, pp. 338-340.

¹³ *Transactions of the Michigan State Agricultural Society*, 1852, p. 285; *Report of the Michigan State Board of Agriculture*, 1877, p. 647; Chase's

The county society movement in Wisconsin was not fully under way until about the time that the State society was founded in 1851, but apparently one or two local organizations were holding fairs some time previously.¹⁴ Minnesota fairs were started early in the territorial period. The first two county societies were organized in 1852, a third in 1853, and in 1854 the first fair was held by the Hennepin County society. The same year a territorial society was organized and from 1855 to 1860, with the exception of one year, this society and that of Hennepin held joint fairs.¹⁵

The development of State organizations and fairs naturally followed these local activities. Michigan was the first of the group to hold a State exhibition. Her society was chartered in the spring of 1849 and the first fair was held that fall on a farm near Detroit. Ohio's State board was created in 1846, and the first fair under its auspices was conducted at Cincinnati in October, 1851. After various unsuccessful attempts at organization in Wisconsin, "members of the legislature, leading farmers and stock-raisers, and other prominent citizens" met at the capital in March, 1851, and established a State society. Their first fair was held the following October at Janesville. The Indiana fair board was organized in 1851 and conducted

Rural Michigan, p. 336; *Report of the Iowa State Agricultural Society*, 1890, p. 114; *Report of the Indiana State Board of Agriculture*, 1869, p. xxiv; *Report of the Commissioner of Patents*, 1858, Agriculture, pp. 113-122; Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, pp. 823, 824.

¹⁴ *Transactions of the Wisconsin State Agricultural Society*, 1852, p. 118; Schafer's *History of Agriculture in Wisconsin*, p. 105. In 1889 the oldest county society in continuous existence was one formed in July, 1851.—*Transactions of the Wisconsin State Agricultural Society*, 1889, p. 173.

¹⁵ *Report of the Minnesota State Agricultural Society*, 1916, p. 281; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 7-47.

its initial exhibition at Indianapolis in October, 1852. After Illinois's two abortive attempts at State organization no definite steps were taken until January, 1853, when, under the impetus of the "industrial movement" in education and the leadership of the Sangamon County society, a State society was organized and conducted the first State fair at Springfield the following October.¹⁶

Iowa's State society and fair were the direct outgrowth of the work of leaders in local societies in the southeastern part of the Commonwealth. In October, 1853, the Jefferson County society issued a call for a meeting to organize a State agricultural society and offered their grounds for the first exhibition. Attention was called to the fact that Iowa was the only free State in the Union without such an organization.¹⁷ The following December the society was launched and its president issued an appeal to the farmers for support. The first fair was held according to schedule at Fairfield in October, 1854.¹⁸ Minnesota staged its first State-sponsored exhibition on the eve of the Civil War. Early in 1860 the legislature authorized the change of the

¹⁶ *Report of the Michigan State Board of Agriculture*, 1906, p. 347; Chase's *Rural Michigan*, p. 332; *Report of the Ohio State Board of Agriculture*, 1851, p. 49; Schafer's *History of Agriculture in Wisconsin*, p. 104; *Report of the Commissioner of Agriculture*, 1875, p. 467; *Report of the Indiana State Board of Agriculture*, 1869, p. xxi; Esarey's *A History of Indiana From 1850 to the Present*, Vol. II, pp. 823-824, 844; *Transactions of the Illinois State Agricultural Society*, 1853-1854, pp. 1, 38-42; Cole's *Era of the Civil War (Centennial History of Illinois*, Vol. III), pp. 78, 79.

¹⁷ This statement was not strictly accurate as California at this time had no official organization. Unofficial "state fairs" were held at San Francisco from 1851 to 1853 inclusive, but an official State society was not authorized until May, 1854, the first fair under its direction being held the same year.—*Transactions of the California State Agricultural Society*, 1859, pp. 9, 10; *Statistical Report of the California State Board of Agriculture*, 1921, p. 414; Wickson's *Rural California*, pp. 286, 287.

¹⁸ *Report of the Iowa State Agricultural Society*, 1874, pp. 485 ff.; Gue's *History of Iowa*, Vol. III, pp. 280, 281.

territorial organization into a State society, and in September of that year the first State fair was held at Fort Snelling.¹⁹

Statistics collected by the patent office in 1858 indicated a total of three hundred and eighty-one agricultural societies in these seven States. It is probable that the greater number of these societies conducted fairs, but it is impossible to verify this as only one hundred and forty had made direct returns when the report was published.²⁰

Compared with modern fairs these first western exhibitions were primitive and crude.²¹ It was the day of small things in agricultural organization. County fairs were two-day events and State fairs in the early years did not usually extend beyond three days. Grounds were small, usually under ten acres, and often not over one or two, and they were wholly unequipped. State fairs were "exhibitions on wheels" moving from one city to another as local inducements seemed to warrant. Transportation facilities, both for spectators and exhibits, were most inadequate. A contemporary recalls that the people came to the first Iowa State fair "on foot on horseback or in two wheeled carts, jogging along behind slow-moving, ponderous

¹⁹ *Report of the Minnesota State Agricultural Society*, 1916, p. 281; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 47-64.

²⁰ *Report of the Commissioner of Patents*, 1858, Agriculture, pp. 91-213.

²¹ For a description of the general conditions of early northwestern fairs see Sprague's *Agricultural Associations of Ohio* in the *Transactions of the Illinois State Agricultural Society*, 1853-1854, p. 37; *Report of the Commissioner of Patents*, 1858, Agriculture, pp. 92-213; *Report of the Commissioner of Agriculture*, 1875, pp. 451-467; *Report of the Indiana State Board of Agriculture*, 1869, pp. xxii-xxviii; *History and Proceedings of the First Fair of the Iowa State Agricultural Society* in *Report of the Iowa State Agricultural Society*, 1874, pp. 485-581; *Twentieth Century Farmer*, quoted in *Iowa Year Book of Agriculture*, 1905, pp. 987, 988; *Breeders Gazette* quoted in the *Report of the Wisconsin State Department of Agriculture*, 1919-1920, p. 218;

oxen.”²² Minnesota’s initial State exhibition was seriously handicapped, in a period of dependence upon natural waterways, by the abnormal shallowness of the river. Three years later the *St. Paul Pioneer* declared: “All attempts to get up a good State Fair will fail until our facilities for traveling are better than they are now.”²³

As in the case of all other enterprises of the frontier States, the funds were most inadequate. Wisconsin’s first State exhibition was financed by a few individuals and the outcome was so uncertain that no premiums were offered. Iowa’s first State fair closed with a deficit which was made up by the president. Premiums awarded by the Michigan society at its first exhibitions could not all be paid.²⁴ Cash premiums were modest in the extreme; plate, in the early years, was sometimes used for the larger premiums. The highest awards were usually the societies’ certificates. Membership, admission, and concession charges were correspondingly low. The complimentary list was generous, and the badge system of admissions was greatly overworked. Scant as the receipts were at best, they were further depleted by the passing off upon the gatekeepers

Des Moines Register, August 20, 29, 1924; Mount Ayr (Iowa) *Journal*, August 7, 1924; Bedford (Iowa) *Times-Republican*, August 11, 1924; Hall and Holcombe’s *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, Chs. III–VI; Burkett’s *History of Ohio Agriculture*, p. 191; Hayes’s *Wild Turkeys and Tallow Candles*, Ch. XI; Sanders’s *At the Sign of the Stock Yard Inn*, pp. 270–275; Garland’s *Boy Life on the Prairie* (Revised Edition), Ch. XXII, and *A Son of the Middle Border*, pp. 166–169.

²² *Fairfield Daily Ledger*, August 19, 1924.

²³ Hall and Holcombe’s *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 58, 76.

²⁴ Schafer’s *History of Agriculture in Wisconsin*, p. 104; *Report of the Commissioner of Agriculture*, 1875, p. 467; *Report of the Iowa State Agricultural Society*, 1874, p. 537; *Transactions of the Michigan State Agricultural Society*, 1856, pp. 18, 19.

of counterfeit money. Depreciated paper money must also have been a problem for the officials.

Exhibits in many lines were meagre and poorly classified. There was, in fact, considerable difficulty in making up the lists for the first fairs and in some cases those of established eastern fairs were taken as models. The basic work of judging, as carried on by a system of amateur and more or less impromptu committees, was bound to be inefficient and unsatisfactory in every way.

But in spite of all obstacles and limitation there were many highly encouraging signs. The opportunities for social gathering in pioneer Commonwealths were so limited that people were attracted from comparatively long distances and the attendance in most cases was remarkably large. Considering the stage of agricultural development, the exhibits in many lines were highly commendable. There was an almost unanimous verdict that succeeding exhibitions were marked improvements over the initial efforts. The characteristic western spirit of optimism and enthusiasm was in fact manifest from the start—a spirit reflected in the reminiscent comment of the historians of the Minnesota society: “Of all the fairs of history, from Donybrook to Nijni-Novgorod, there was never one that gave greater satisfaction to those that witnessed it than the Fair at Fort Snelling in September, 1860.”²⁵

In tracing the evolution of northwestern fairs, from their full establishment in the fifties to the present time,

²⁵ See for instance Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, p. 845. The joint fair of 1855, according to the territorial newspapers, “brought together the largest concourse of white people that had ever assembled in Minnesota.”—Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 31, 58. See also *Report of the Ohio State Board of Agriculture*, 1851, p. 49; *Transactions of the Wisconsin State Agricultural Society*, 1852, pp. 13–15; *Report of the Iowa State Agricultural Society*, 1858, p. 4.

three rather definite periods or stages of development may be distinguished: (1) from the beginning to 1870; (2) from 1870 to about 1910; and (3) from 1910 down to the present.

The first period may be characterized as that of predominate agricultural leadership or in President Butterfield's phrase the "golden age" of the fair. At that time neither knowledge nor organization were highly specialized or differentiated and the whole burden of agricultural experimentation, instruction, extension, and recreation fell upon the agricultural societies whose work was carried on mainly through State and local fairs.²⁶

The fairs of this period were primarily educational.²⁷ In many respects the gatherings before the Civil War were more akin to the later farmers' institutes than to the modern fairs. They were founded upon the old cattle show, and the exhibition and judging of stock remained the central feature. The judging committees in their reports often gave the reasons for their awards and made suggestions of possible improvements in their respective classes. In a number of States the successful competitors were required to give a statement to the society "showing what was peculiar in the management of the crop, in the fabrication of the article, or in the mode of keeping and feeding the animal" that others might profit by example. In furthering their educational mission, both local and

²⁶ Butterfield's *Farmers' Social Organization* in Bailey's *Cyclopedia of American Agriculture*, Vol. IV, p. 292; *Report of the Michigan State Board of Agriculture*, 1898, p. 709; Rubinow's *Fairs and their Educational Value* in *North Carolina Extension Circular*, No. 69, p. 3; Gilbert's *The Food Supply of New England*, p. 113.

²⁷ In his address at the Wisconsin State fair in 1859 Abraham Lincoln compared the service rendered by fairs in stimulating new methods and devices to that of the Federal patent office.—*Transactions of the Wisconsin State Agricultural Society*, 1858-1859, p. 288.

State societies frequently awarded agricultural books and subscriptions to agricultural papers as premiums.²⁸

Evening sessions were regular features of the early State fairs. These meetings were the occasion for the exchange of informal experiences by practical farmers and for the delivery of formal addresses by experts. Local fairs also had special lectures on their programs and offered premiums for essays on appropriate subjects of interest.²⁹

The "annual address" had a leading place at all western fairs throughout this period. It was delivered by the most notable personage available and, while usually not as technically informative as the "lecture", was regarded as a source of much general culture and inspiration.³⁰

²⁸ *Transactions of the Michigan State Agricultural Society*, 1852, pp. 6, 61 ff., 1856, p. 25; *Transactions of the Wisconsin State Agricultural Society*, 1852, pp. 13, 29 ff., 1853, pp. 22-31, 99; *Report of the Indiana State Board of Agriculture*, 1853, pp. 10-15; Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, p. 845; *Transactions of the Illinois State Agricultural Society*, 1853-1854, p. 37; *Report of the Commissioner of Patents*, 1858, Agriculture, p. 186.

²⁹ *Transactions of the Illinois State Agricultural Society*, 1853-1854, p. 9; *Report of the Iowa State Agricultural Society*, 1858, p. 91, 1860, pp. 59, 67, 75, 1861-1868, pp. 200-203; *Transactions of the Wisconsin State Agricultural Society*, 1861-1868, p. 429; *Report of the Indiana State Board of Agriculture*, 1869, p. xxvi; *Report of the Commissioner of Patents*, 1858, Agriculture, pp. 109, 147-150, 188, 210.

³⁰ Horace Greeley, whose agricultural talks were famous, delivered an address at the second Indiana State fair in 1853 and two at the Minnesota fair in 1865.—*Report of the Indiana State Board of Agriculture*, 1853, pp. 17-29; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 77, 83. Lincoln entertained the Wisconsin fair in 1859 with an address which by official report "was universally regarded as a highly instructive and valuable production."—*Transactions of the Wisconsin State Agricultural Society*, 1858-1859, pp. 231, 287-299. Cassius M. Clay's effort in Wisconsin in 1858 was officially recorded as "noble and masterly", but of his appearance two years later in Minnesota the historian's comment was that "Neither the matter nor the manner of his speech was engaging."—Hall and Holcombe's *His-*

Even press reports of the State fairs were at times made the objects of competition by premiums for the best "history" of the exhibition. The resulting reports provided some remarkable displays of journalistic rhetoric.³¹

Amusement features of these days were strictly subordinated to instruction. So far as possible such entertainment as was provided was made to contribute to the main serious purpose. Plowing matches were regular attractions and seem in the early years to have been conducted with care and to have aroused genuine interest.³² There was great opposition to horse racing or "trials of speed" and as a result these attractions were to a considerable extent denatured.³³ In many of the early fairs the horse racing consisted merely in the judging of horses one at a time as to speed and driving qualities. These speed trials were often so timed as not to distract the spectators' attention unduly from the more educational exhibits.³⁴

tory of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910, p. 62; *Transactions of the Wisconsin State Agricultural Society*, 1858-1859, p. 45; Stephen A. Douglas, William H. Seward, and Edward Bates were among the national leaders who were sought for such addresses in the ante-bellum period.

³¹ *Report of the Iowa State Agricultural Society*, 1857, pp. 69, 70, and succeeding years of this period; *Report of the Michigan State Board of Agriculture*, 1873, p. 242.

³² *Transactions of the Michigan State Agricultural Society*, 1852, pp. 18, 87-89; *Report of the Iowa State Agricultural Society*, 1857, pp. 17, 26-28, 1858, pp. 114, 115.

³³ At an Iowa county fair in 1865 "speed" prizes were awarded as follows: \$1 to the fastest walking horse; \$1 to the fastest trotting horse; \$1 to the fastest horse under the saddle. The racing was regarded as extravagance by most of the directors of the fair.—*Bedford Times-Republican*, August 11, 1924.

³⁴ *Transactions of the Michigan State Agricultural Society*, 1856, pp. 24, 30, 37; *Report of the Iowa State Agricultural Society*, 1857, pp. 23, 24, 1858, p. 60; *Report of Ohio State Board of Agriculture*, 1858, pp. 176, 177, 1863, p. 128.

By far the most popular event of a sportive nature at the early western fairs was the women's riding contest, the so-called "female equestrianism". Even this diversion, which in the judgment of one reporter at the first Iowa State fair was "the most pleasing event in the history of the State", met the disapproval of puritanical and penurious critics and had to be defended as a safety measure, on the ground that if women were expected to ride or drive through the crowded streets of cities "they must become adepts in the art, or they become liable to many accidents."³⁵

With rare exceptions these early exhibitions were orderly and circumspect in every way. The good report from Ohio in 1862 was echoed by her sister States throughout the period: "Not a pocket was picked upon the grounds, not a drunken man inside the inclosure. All there was order".³⁶ The only police problem was that of vendors and showmen outside the grounds, and efforts were made to suppress or regulate these offenders.³⁷ Generally speaking these early northwestern fairs were gatherings of plain-living, serious-minded country folk. An inter-state visitor in 1859 contrasted the Kentucky and Ohio fairs by

³⁵ "At every fair in the early history of agricultural exhibitions in this country, the lady riders for prizes were conspicuous and attracted great attention and interest."—Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 33. See also *Report of the Iowa State Agricultural Society*, 1874, pp. 546-553; *Transactions of the Wisconsin State Agricultural Society*, 1861-1868, pp. 240, 310, 1869, pp. 119, 120; *Report of the Indiana State Board of Agriculture*, 1869, p. 247; *Transactions of the Michigan State Agricultural Society*, 1856, pp. 23, 24.

³⁶ *Report of the Ohio State Board of Agriculture*, 1851, p. 19, 1862, p. 122; *Transactions of the Wisconsin State Agricultural Society*, 1853, p. 13; *Report of the Iowa State Agricultural Society*, throughout this period.

³⁷ *Report of the Ohio State Board of Agriculture*, 1856, p. 156; *Report of the Iowa State Agricultural Society*, 1857, pp. 17, 18.

the respective terms "metropolitan" and "rustic", "dres-sy" and "homespunish".³⁸

During this formative period, the normal revenues³⁹ were inadequate, and even these were rendered uncertain by the constant menace of unfavorable fall weather. As a result public aid was necessary and some measure of it was granted in all but one of these States. State societies were subsidized in amounts ranging from a few hundred dollars per annum in the first years to as high as three thousand by the later fifties. County societies were granted from twenty-five to two hundred dollars by State or county appropriation or by the two combined. The county portion was secured either from a mill tax or from certain license fees. County subsidies were conditioned in all cases upon the society's raising an equal sum by membership tickets or assessments, and, in many cases, upon the actual holding of fairs. The subsidies of both State and county societies were expended mainly in the payment of premiums.⁴⁰

³⁸ *Cincinnati Commercial*, quoted in the *Report of the Ohio State Board of Agriculture*, 1859, p. 86.

³⁹ In this period annual membership tickets for both State and local societies were usually one dollar and life memberships from five to fifty dollars. Single admission tickets were usually twenty-five cents. As already indicated there was much abuse in the giving of complimentary tickets and free passes.

⁴⁰ *Report of the Commissioner of Patents*, 1858, Agriculture, pp. 98-213; *Report of the Ohio State Board of Agriculture*, 1851, pp. 132, 134, 137, 138; *Transactions of the Illinois State Agricultural Society*, 1853-1854, pp. vi, 35, 42, 1859-1860, p. 698; *Report of the Indiana State Board of Agriculture*, 1853, p. vii; *Transactions of the Michigan State Agricultural Society*, 1853, pp. 22, 23, 1855, pp. 11, 12; *Transactions of the Michigan State Board of Agriculture*, 1904, pp. 304, 305; *Transactions of the Wisconsin State Agricultural Society*, 1858-1859, pp. 11, 13-15; *Report of the Iowa State Agricultural Society*, 1860, p. 53, 1864, p. 5, 1875, pp. 30, 31; *Harding's County Fairs as Community Builders and State Support in Report of the Kansas State Board of Agriculture*, March, 1924, p. 16. The frontier State of Minnesota was the member of the group in which no aid was given in this period.—Hall and

That these subsidies or subventions, State and local, made manifold returns to the agriculture of the Northwest there is definite and abundant evidence. In the "transformation" of middle western agriculture between the thirties and the seventies⁴¹ fairs had a prominent and effective part. Agricultural exhibitions took the lead as agencies in improving live stock, in disseminating information regarding new varieties of plants and better methods of cultivation, in stimulating the invention and popularizing the use of new machinery, in advertising the products and the productive possibilities of the new regions.⁴²

By 1860 agricultural fairs, both State and local, had become well established in the Northwest, as well as in the other sections of the country,⁴³ but the Civil War had a most unsettling and depressing effect upon the institution. The Indiana, Wisconsin, and Minnesota State fairs were suspended in 1861 on account of the occupation of their grounds by troops or other mobilizing activities.⁴⁴ The

Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 49.

⁴¹ Carver's *Historical Sketch of American Agriculture* in Bailey's *Cyclopedia of American Agriculture*, Vol. IV, pp. 58-64.

⁴² *Report of the Commissioner of Patents*, 1858, Agriculture, pp. 92 ff.; *Report of the Ohio State Board of Agriculture*, 1856, pp. 150-152, 1880, pp. 425-428; *Transactions of the Illinois State Agricultural Society*, 1867-1868, p. xi; Cole's *Era of the Civil War (Centennial History of Illinois, Vol. III)*, pp. 79, 383; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 28; Burkett's *History of Ohio Agriculture*, pp. 194, 195; Rubinow's *Fairs and Their Educational Value in North Carolina Extension Circular*, No. 69, p. 3.

⁴³ Carver's *Historical Sketch of American Agriculture* in Bailey's *Cyclopedia of American Agriculture*, Vol. IV, p. 64.

⁴⁴ Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, p. 846; *Transactions of the Wisconsin State Agricultural Society*, 1861-1868, pp. 85-92; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 67.

Iowa grounds were vacated only three days previous to the scheduled opening of the fair and there was much sentiment for omitting the exhibition altogether.⁴⁵ In 1862 Ohio, Indiana, and Iowa held the only State fairs in the Northwest.⁴⁶ Their exhibits in most lines were below normal, but the attendance was surprisingly good.⁴⁷ By 1863 all the States except Wisconsin had resumed their annual exhibitions and in 1864 that State's grounds were again available for the arts of peace. During the war period, however, State aid was greatly reduced or entirely suspended and expenditures were retrenched in every way possible.⁴⁸

County and district fairs were equally hard hit by war conditions. Military occupation of grounds, Indian uprisings, Confederate invasions, enlistments, and general unrest all contributed, in different parts of the agricultural section, to the difficulties of agricultural exhibitions. Many of the societies suspended their activities either temporarily or permanently; but others, recognizing their obligation to "carry on", made ventures which were rewarded by remarkably successful exhibitions, both in regard to exhibits and attendance.⁴⁹

⁴⁵ *Report of the Iowa State Agricultural Society, 1861-1862*, pp. 3, 4. Page 49 of this report contains a quotation from the *Iowa City Republican*.

⁴⁶ *Dubuque Herald*, quoted in *Report of the Iowa State Agricultural Society, 1861-1862*, p. 172.

⁴⁷ *Ohio Farmer*, quoted in *Report of the Ohio State Board of Agriculture, 1862*, pp. 99, 100; *Report of the Iowa State Agricultural Society, 1861-1862*, pp. 130, 131; *Report of the Indiana State Board of Agriculture, 1869*, pp. xxviii-xxix.

⁴⁸ *Transactions of the Wisconsin State Agricultural Society, 1861-1868*, pp. 103, 191, 199; *Report of the Indiana State Board of Agriculture, 1869*, p. xxviii; *Report of the Iowa State Agricultural Society, 1861-1862*, p. 130.

⁴⁹ *Report of the Ohio State Board of Agriculture, 1861*, p. xi; *Transactions of the Illinois State Agricultural Society, 1861-1864*, pp. 34, 35; *Transactions*

The decade of the sixties was a period of great, and to some degree premature and unsound, expansion of northwestern agriculture. Abnormal war demands and abnormally expanded foreign markets with the productive possibilities of new land and new machinery and the elusive stimulus of an inflated currency created boom times which, after the war, were inevitably succeeded by depression.⁵⁰ Amid these years of storm and stress for their constituencies the agricultural societies and boards were confronted with new problems and new opportunities.

The second general period of northwestern fair development was from 1870 to 1910 and may be characterized as one of transition and readjustment. These are the years of the most revolutionizing transformations in American agriculture, including the vast expansion of production, the rise of class-conscious farmers' organizations, the development of agricultural education, and a general extension of governmental activities.⁵¹ The fairs inevitably reflected the conditions. With the development of specialized functions and institutions the exhibition could no longer be an inclusive agency of agricultural improvement. But, through coöperation with the new agencies and in the

of the Wisconsin State Agricultural Society, 1861-1868, pp. 66, 67, 102; *Report of the Iowa State Agricultural Society, 1861-1862*, pp. 129, 130; Bedford (Iowa) *Times-Republican*, August 11, 1924; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 67; reports of county and district societies in the various State reports.

⁵⁰ Fite's *The Agricultural Development of the West during the Civil War in the Quarterly Journal of Economics*, Vol. XX, pp. 259-278; Ruggles's *The Economic Basis of the Greenback Movement in Iowa and Wisconsin in Proceedings of the Mississippi Valley Historical Association, 1912-1913*, pp. 142-162; Buck's *The Granger Movement*, pp. 7, 8.

⁵¹ Schmidt's *Some Significant Aspects of the Agrarian Revolution in the United States* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XVIII, pp. 371-395.

general educational and social progress of the period, there were greater opportunities for enlarged activity and service.

The most immediate problems of this period concerned the material growth of the fairs and the consequent financial obligations. Chief among these material developments was the permanent location of the State fairs. The itinerant system of exhibitions best met the pioneer needs. Because of the lack of connected transportation facilities the pioneer fairs could serve the farming interests of their States most effectively by extending their benefits periodically from section to section.⁵²

To the societies, too, with their limited resources, the inter-sectional rivalry insured the largest support. It soon became a regular practice to locate the fair in the city offering the best inducements in the way of expense guarantees and equipment. In some cases representatives of the rival cities appeared before the committee to present their respective claims and inducements after which the selection was made by ballot.⁵³ Some of the societies formulated definite minimum requirements. The grounds provided were usually those of a county or district society. Considerable alteration and addition of buildings and track and sometimes expansion of area were necessary and

⁵² *Report of the Ohio State Board of Agriculture*, 1858, p. 22; *Report of the Iowa State Agricultural Society*, 1869, pp. 35, 36; *Report of the Michigan State Board of Agriculture*, 1869, pp. 311, 312, 1870, pp. 229, 230, 1873, p. 153, 1877, pp. 460, 461.

⁵³ *Transactions of the Michigan State Agricultural Society*, 1853, p. 18, 1854, p. 17, 1856, p. 33; *Report of the Michigan State Board of Agriculture*, 1870, pp. 237-239, 248, 249; *Report of the Ohio State Board of Agriculture*, 1856, p. 14, 1861, pp. 1, 2; *Transactions of the Illinois State Agricultural Society*, 1859-1860, p. 19; *Transactions of the Illinois State Department of Agriculture*, 1871, pp. 12-14; *Transactions of the Wisconsin State Agricultural Society*, 1870, pp. 103-107.

these expenses at times were shared by the State society.⁵⁴ In practice the system had serious disadvantages. City guarantees were sometimes paid tardily or not at all and the society was thus involved in debt; some of the cities with over-enthusiastic boosters were unable to provide adequate patronage; bitter sectional jealousy led to boycotts; and, worst of all, continuity of policies and consistent growth was prevented.⁵⁵ During the sixties and seventies a partial compromise was made in all of the States of the section by holding the fair in a single city for a term of years ranging from two to five.⁵⁶

With the extension of railroad connections and the need for more ample accommodations and more elaborate equipment, the desirability of a permanent location was generally recognized; but, with one exception, such provisions were not made before the eighties. The Indiana society secured property at the State capital as early as 1860 and

⁵⁴ *Report of the Ohio State Board of Agriculture*, 1868, p. 79; *Transactions of the Illinois State Department of Agriculture*, 1877, pp. 22, 23; *Transactions of the Wisconsin State Agricultural Society*, 1861-1868, pp. 423, 424; *Report of the Iowa State Agricultural Society*, 1857, p. 19, 1861-1862, p. 172, 1867, pp. 23, 24, 1871, p. 41; *Transactions of the Michigan State Agricultural Society*, 1856, p. 20; *Report of the Michigan State Board of Agriculture*, 1869, pp. 308-311, 1883, p. 353.

⁵⁵ *Transactions of the Michigan State Agricultural Society*, 1856, p. 28; *Report of the Indiana State Board of Agriculture*, 1869, pp. 22, 23; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 41, 45, 135-157, 163, 164; *Transactions of the Illinois State Department of Agriculture*, 1872, p. 2; Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, p. 846; *Report of the Iowa State Agricultural Society*, 1861-1862, p. 50.

⁵⁶ *Report of the Iowa State Agricultural Society*, 1866, pp. 19, 20; *Transactions of the Illinois State Agricultural Society*, 1867-1868, pp. xi, xii; *Transactions of the Wisconsin State Agricultural Society*, 1869, p. 113; *Report of the Ohio State Board of Agriculture*, 1874, pp. 9, 10, 1879, pp. 9-11; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 90; Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, pp. 846, 847.

held its fairs there regularly after 1868.⁵⁷ In 1870 Wisconsin's society purchased grounds at Madison for periodical use but the permanent location at Milwaukee was not made until 1891.⁵⁸ The Ohio fair board in 1881 negotiated a twenty-five year lease with the Franklin County society for the use of its grounds at Columbus, but a misunderstanding regarding the terms soon developed and two years later new grounds near the capital were purchased.⁵⁹ Iowa agricultural leaders were seeking an establishment at Des Moines in the later seventies but they did not secure a permanent location until 1885.⁶⁰ After a long and bitter contest between the traditionally rival "Twin Cities", a compromise was finally reached in 1885 in the location of the Minnesota State fair in the "Midway" district.⁶¹

The Michigan society went through numerous vicissitudes before reaching a permanent abode. In the course of the fair's migrations considerable property had been accumulated in two different cities and it was planned for a time to secure regular establishments at three or four points at which the fairs would be held in turn. In 1889, however, after the legislature had altered the society's legal status, local influence secured the purchase of one permanent ground at Lansing. Development costs and a series of unusual reverses involved the society so heavily

⁵⁷ *Report of the Indiana State Board of Agriculture*, 1869, pp. xxvii, xxviii; Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, p. 847.

⁵⁸ *Transactions of the Wisconsin State Agricultural Society*, 1870, pp. 97, 98, 1892, pp. 30, 31.

⁵⁹ *Report of the Ohio State Board of Agriculture*, 1881, pp. 21-23, 27, 28, 1883, pp. 27-46, 1885, pp. 54, 55.

⁶⁰ *Report of the Iowa State Agricultural Society*, 1879, pp. 104, 105, 1881, p. 229, 1883, p. 259, 1884, pp. 254, 277, 278, 283, 293, 1885, pp. 60, 61.

⁶¹ Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 162-193.

in debt that this property was relinquished to the heaviest creditors and the itinerant system resumed until 1904 when a final location was made at Detroit.⁶² The permanent location of the Illinois fair at the capital city was postponed until 1894 largely by reason of legal incompetence.⁶³ In nearly all cases the development of the properties thus secured necessitated large immediate expenditures for buildings and other equipment. County and district organizations, in accord with the spirit and needs of the time, were branching out proportionately.

Essential as these outlays were for the continued progress of the fairs, they involved heavy burdens in a period of agricultural depression. Fairs like all other activities dependent upon farmer support were hard hit by the cycle of falling prices and financial depression and added to the abnormal financial unsettlements were the risks due to the uncertainty of Middle Western weather, which often involved serious losses in an undertaking with such heavy investments at stake.⁶⁴ World fairs and other special expositions had a generally unfavorable influence upon the regular course of agricultural fairs. The unusual attractions of the national exposition meant suspension or greatly lessened support for the State enterprise. Often they set abnormally high or unsound standards in exhibits and

⁶² *Report of the Michigan State Board of Agriculture*, 1881-1882, p. 530, 1889, pp. 559-561, 1899, p. 437, 1905, pp. 549-551.

⁶³ *Transactions of the Illinois State Department of Agriculture*, 1871, p. 2, 1894, p. 5.

⁶⁴ *Report of the Michigan State Board of Agriculture*, 1874, p. 212, 1875, p. 487, 1877, p. 650, 1898, p. 710, 1900, p. 408; *Report of the Iowa State Agricultural Society*, 1875, p. 28, 1893, pp. 11, 12, 107, 1896, p. 113; *Transactions of the Wisconsin State Agricultural Society*, 1896, p. ii; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 121, 123, 126, 255, 256; *Report of the Ohio State Board of Agriculture*, 1880, p. 34; *Report of the Wisconsin State Board of Agriculture*, 1897-1898, pp. 58, 59.

amusements.⁶⁵ The urban patrons, to whom the State fairs catered more and more, were somewhat fickle in their support, and the high priced attractions which their taste demanded often did not make compensating returns.⁶⁶

Such a combination of unfavorable conditions meant for all of the societies a hard struggle and for some disaster. The Indiana board in 1873 promoted, most inopportunistly, a special "exposition". The ensuing panic cut in half the expected attendance and ruined many of the guarantors.⁶⁷ The Wisconsin State society, which could rejoice in its sound and flourishing condition at the time of the dedication of its new grounds, was eventually bankrupted by the undertaking, and the legislature, after providing for the

⁶⁵ Centennial of 1876 — *Report of the Ohio State Board of Agriculture*, 1877, p. v; *Transactions of the Illinois State Department of Agriculture*, 1877, p. 7; *Report of the Iowa State Agricultural Society*, 1873, p. 105; *Report of the Michigan State Board of Agriculture*, 1876, p. 482.

Ohio Centennial, 1888 — *Report of the Ohio State Board of Agriculture*, 1887, p. 21.

World's Fair, Chicago, 1893 — *Report of the Iowa State Agricultural Society*, 1891, p. 177, 1892, pp. 109-113, 1893, pp. 11, 12, 1896, p. 89; *Transactions of the Wisconsin State Agricultural Society*, 1894, p. ii; *Report of the Michigan State Board of Agriculture*, 1894, p. 510; *Transactions of the Illinois State Department of Agriculture*, 1911, p. 438; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 246.

Omaha Trans-Mississippi Exposition, 1898 — *Report of Iowa State Agricultural Society*, 1897, pp. 113, 114, 116, 1898, p. 21.

St. Louis Exposition, 1904 — *Iowa Year Book of Agriculture*, 1904, p. 97; *Report of the Ohio State Board of Agriculture*, 1904, pp. viii, 474.

⁶⁶ *Report of the Indiana State Board of Agriculture*, 1883, pp. 38-42; *Report of the Iowa State Agricultural Society*, 1894, p. 9, 1896, pp. 89, 90, 1897, p. 113; *Report of the Wisconsin State Board of Agriculture*, 1905, pp. 4, 5, 1910, pp. 329, 330; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 314, 376; *Transactions of the Wisconsin State Agricultural Society*, 1875-1876, p. 58; *Report of the Michigan State Board of Agriculture*, 1910, p. 557.

⁶⁷ *Report of the Indiana State Board of Agriculture*, 1878, pp. 86-88.

debt, established a new State board.⁶⁸ The Iowa society, after the failure of its fair in 1894, insisted upon guarantors before undertaking the next year's exhibition.⁶⁹ Michigan's financial trials have already been noted. Fairs in the other States ran at a loss in the panic years. Local societies were equally hard hit by the period of agricultural depression.

State aid was sought as never before, both for temporary relief and permanent improvement. In general the tendency through the period of hard times extending to the later nineties was to tide the societies along by a loan or by a partial payment of indebtedness without making adequate provision for the future. By the beginning of the century, however, more generous and constructive policies were adopted. Larger and regular appropriations were procured to care for deficits and to extend and enlarge various recognized features of the exhibitions.⁷⁰ Along with this increased aid went closer control. The first decades of the century mark the creation of State agricultural departments in place of the semi-independent societies or boards and the consequent establishment of the State fair as a

⁶⁸ *Transactions of the Wisconsin State Agricultural Society*, 1892, p. 183; *Report of the Wisconsin State Board of Agriculture*, 1897-1898, pp. 7-12, 1906, p. 314.

⁶⁹ *Report of the Iowa State Agricultural Society*, 1894, p. 9, 1895, pp. 23, 24.

⁷⁰ *Report of the Iowa State Agricultural Society*, 1875, p. 30, 1877, p. 531, 1878, pp. 39, 40, 1880, p. 183, 1886, pp. 54, 570, 1894, pp. 8, 9, 1896, p. 117; *Iowa Year Book of Agriculture*, 1903, p. 77, 1904, p. 98, 1908, p. 138; *Report of the Ohio State Board of Agriculture*, 1880, p. 34; *Report of the Michigan State Board of Agriculture*, 1893, pp. 509, 510, 1901, p. 362, 1904, pp. 304, 305; *Transactions of the Wisconsin State Agricultural Society*, 1893, pp. 33, 186, 1895, p. 96; *Report of the Wisconsin State Board of Agriculture*, 1905, pp. 5, 6, 1906, p. 314, 1908, p. 346; Esarey's *A History of Indiana from 1850 to the Present*, Vol. II, p. 847; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 159.

regular State activity.⁷¹ County fairs were also subjected to increased regulations.

Educational features reflected the new ideas and interests. Plowing matches were discontinued. The evening discussion meetings declined and could not be revived, and the address was abandoned or given a secondary place, as only a speaker of national prominence could keep the crowds from the visual attractions, and even such celebrities not for too long a time. As early as 1864 "Long John" Wentworth in declining to address a Michigan fair pithily expressed the attitude of the new generation: "Most societies have abandoned that part of their early programme, and I concur in their wisdom. People want to see the show, and not to hear addresses. I have had innumerable invitations from States and societies, and have always declined, because I have seen how illy able much better men than myself have been to compete with the animals that the public come to see."⁷²

During this period the fairs found their chief instructional opportunities in coöperating with the new educational agencies. Agricultural college exhibits had an ever-increasing prominence. Farmers' institutes were sometimes conducted during the fair. All departments and agencies having to do with the industrial interests of the State found an opportunity to give their work publicity.⁷³

⁷¹ Wiest's *Agricultural Organization in the United States*, pp. 297, 601-611; *Yearbook of the United States Department of Agriculture*, 1919, p. 500.

⁷² *Report of the Michigan State Board of Agriculture*, 1875, pp. 513, 514, 1879, p. 452; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 279. For a personal experience in 1889, see Garland's *A Son of the Middle Border*, pp. 406, 407.

⁷³ *Report of the Iowa State Agricultural Society*, 1876, pp. 40, 41, 1879, pp. 102, 103, 1880, pp. 80-82, 1882, p. 336, 1892, p. 127; *Iowa Year Book of Agriculture*, 1903, p. 667; *Report of the Michigan State Board of Agriculture*,

The stock-judging work was put upon a scientific basis by the substitution of expert judges for the old amateur committees.⁷⁴

On the borderline between educational exhibit and pure amusement was horse racing, an activity that in this period attained major proportions. During a great part of the period this was one of the most discussed problems at State agricultural conventions and meetings of county fair associations. For years a strong opposition to horse racing as a regular feature of agricultural exhibitions was maintained. It was argued that such displays were wholly extraneous to the real business of agriculture, that they absorbed an undue proportion of premium funds, distracted attention from the real exhibits, and worst of all, horse racing inevitably involved jockeying and gambling.⁷⁵

In reply, the defenders urged that the development of the race horse was a legitimate and important branch of stock breeding to be recognized and encouraged the same as the other branches; that racing as an attraction made a unique appeal to the normally-minded human being and was essential in maintaining the patronage of the exhibit as a whole — especially the city patronage; that the net

1875, p. 404; *Report of the Wisconsin State Board of Agriculture*, 1906, p. 315; Hall and Holecombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, p. 235.

⁷⁴ *Report of the Michigan State Board of Agriculture*, 1877, p. 497, 1879, p. 457, 1880-1881, p. 603; *Report of the Iowa State Agricultural Society*, 1881, pp. 222-224; *Transactions of the Wisconsin State Agricultural Society*, 1884, p. 40, 1887, p. 84, 1889, p. 174; *Report of the Wisconsin State Board of Agriculture*, 1902, pp. 349, 350, 1907, pp. 375-394.

⁷⁵ *Transactions of the Wisconsin State Agricultural Society*, 1861-1868, p. 277, 1871, p. 86, 1872-1873, pp. 144, 145; *Report of the Michigan State Board of Agriculture*, 1867, pp. 267, 268, 376, 377, 1869, pp. 340, 341, 1870, p. 220, 1872, pp. 82, 83, 1875, pp. 398, 399; Hall and Holecombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 95, 96, 119.

cost was low; and finally that the abuses often associated with this instructive sport were not essential to it and by proper supervision might be eliminated. Some societies acted on the courage of their convictions to the extent of eliminating the racing premiums temporarily and recognizing speed merely as one element in the road horse "driven by the owner".

A devise for shifting the financial if not the moral responsibility was to allow the making up of so-called "citizens' premiums" by outside parties.⁷⁶ However the overwhelming popularity of this attendant if not essential feature of all agricultural fairs finally broke down all opposition and before long the staid societies were joining racing circuits and competing for the fullest and fastest cards. Indeed the devout conclusion of a report of a racing superintendent would seem to indicate the conviction that the highest moral sanction had come to attach to this part of the annual exhibition: "There was prompt starting and no collisions; Providence favored the entire meeting."⁷⁷

The horse race thus secured in this period a permanent and prominent place upon the fair program, becoming as legitimate as stock-judging and, to the average spectator, far more attractive. The problem of general amusements — an ever changing as well as ever-expanding one — could

⁷⁶ *Transactions of the Wisconsin State Agricultural Society*, 1861-1868, p. 240, 1892, p. 327, 1893, p. 183, 1895, p. 81; *Report of the Wisconsin State Board of Agriculture*, 1902, pp. 354, 356, 361, 1906, pp. 317-319; *Report of the Ohio State Board of Agriculture*, 1880, pp. 431, 432; *Report of the Iowa State Agricultural Society*, 1890, p. 599; Hall and Holecombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 119, 277; *Twentieth Century Farmer*, quoted in the *Iowa Year Book of Agriculture*, 1869, p. 358, 1905, p. 1000; *Report of the Michigan State Board of Agriculture*, 1867, pp. 318, 400, 1869, p. 358, 1870, pp. 225, 244, 245, 1875, pp. 424, 514, 515, 1876, p. 483, 1878, p. 478, 1879, p. 456.

⁷⁷ *Transactions of the Wisconsin State Agricultural Society*, 1895, p. 81.

not be disposed of so definitely. In the field of legitimate amusements the period marked a regular progression. To the mild and chaste equestrianism was added "velocopedestrianism" to be succeeded by bicycle races, balloon ascensions, automobile races, and, just at the end of the period, aeroplane demonstrations. World champion race horses like Nancy Hanks, Maude S., Jay Eye See, and Dan Patch were hired for princely sums to race against time. In the sixties came baseball and especially in the local fairs these games remained a permanent attraction. The most striking acts of the circus and the hippodrome were introduced between the heats of the races. Freakish and bizarre attractions, like "locomotive collisions", were at times resorted to to draw a crowd. To entertain the city spectator night shows were developed in which modern pyrotechnics were utilized for spectacular enactments of the fall of Pompeii, the burning of Manila, and the sieges of Moscow and Port Arthur. The lengthening of the State fair beyond a week presented the problem of a Sunday program. In the earlier years a sermon by a nationally prominent minister was provided; later an elaborate musical concert, with or without a brief address, made the widest popular appeal.⁷⁸

All of these attractions, though in some cases subject to

⁷⁸ Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 101, 245, 267, 279, 286, 287, 331, 366, 389; *Report of the Indiana State Board of Agriculture*, 1869, pp. 101, 247; *Report of the Michigan State Board of Agriculture*, 1874, p. 257, 1900, p. 409, 1901, p. 334, 1908, p. 420, 1910, p. 557; *Report of the Wisconsin State Board of Agriculture*, 1905, p. 111, 1906, pp. 5, 6, 1908, pp. 3, 6; *Report of the Iowa State Agricultural Society*, 1879, p. 101, 1882, p. 68, 1884, p. 61, 1888, p. 97, 1890, p. 104; *Iowa Year Book of Agriculture*, 1904, p. 98; *Transactions of the Wisconsin State Agricultural Society*, 1869, p. 121; *Report of the Minnesota State Agricultural Society*, 1921, p. 33; *Report of the Ohio State Board of Agriculture*, 1901, p. 237; *Report of the Wisconsin State Department of Agriculture*, 1915-1916, p. 129.

criticism as to emphasis and appropriateness, were above question morally. There were other features of the fairs of the period, however, which could not be given such a clean bill. Chief of these questionable or wholly objectionable excrescences were games of chance, shows and carnivals, and the sale of intoxicants. The lowering of moral standards following the Civil War, unduly rapid urbanization of the fairs following the permanent establishments, and the rise of the street carnival and the world's fair midway, along with the temptation to the management to profit from these questionable concessions, all contributed to the demoralizing commercialization of the agricultural exhibition. Local fairs followed the State exhibitions in adopting these unfortunate innovations as the State fairs did the international expositions. The W. C. T. U. and other reform organizations were tireless in bringing these derelictions to official attention. State laws gave the needed powers and the overwhelming sentiment of the fairs' true constituencies brought about such an increasingly effective administration of the laws that before the end of the period the most conspicuous offenders were effectively excluded.⁷⁹

It was evident that the old-time cattle show was being decidedly modified by the new conditions and interests, modified it seemed to some in ways which tended from the true

⁷⁹ *Report of the Michigan State Board of Agriculture*, 1875, p. 513, 1876, p. 592, 1877, p. 502, 1878, p. 492, 1879, p. 456, 1880, p. 356, 1881-1882, pp. 605, 606, 610, 1884, pp. 377-380, 1888, p. 482, 1896, p. 506; *Report of the Iowa State Agricultural Society*, 1877, pp. 530, 531, 1879, p. 96; *Transactions of the Wisconsin State Agricultural Society*, 1880-1881, p. 25, 1881-1882, p. 26, 1884, pp. 44-53, 1888, p. iii, 1896, p. ii; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the Annual Meeting of 1910*, pp. 157, 244; *Report of the Indiana State Board of Agriculture*, 1872, p. 21, 1877, p. 73; *Report of the Ohio State Board of Agriculture*, 1882, p. 30, 1887, p. 21; *Report of the Wisconsin State Board of Agriculture*, 1905, p. 5; *The Outlook*, November 2, 1907, p. 475; *Twentieth Century Farmer*, quoted in the *Iowa Year Book of Agriculture*, 1905, p. 999.

purpose. The innovations were not made without vigorous protests from those who contended for keeping the institutions strictly to their original mission and excluding all distractions, whether in themselves moral or not. Thus the secretary of the county fair association of Michigan in the early eighties vividly pictured the existing abuses as they appeared to him: "An honest grauger, desirous of visiting Art hall,—mistakes the entrance, and plunges unceremoniously into a bear den; or, into the dangerous midst of a band of painted, blood-thirsty, scalping savages. Seeking to escape, he rushes suddenly into the awful presence of the 'Circassion Beauty', that captivating syren, that has infested agricultural fairs, ever since the birth of the oldest inhabitant. Why should these institutions spread their tents, and rasp the air with their speeches, tom-toms and hand-organs, in the very heart and centre of the fair ground."⁸⁰

A year later the president of the Wisconsin State fair association denounced "the gaudy shows, gambling devices, organ-grinding, conjuring, mountebankism and every species of graceless vagabondism, which we have admitted to our grounds, augmenting the inconvenience, confusion and discomfort that in some sort is necessarily attendant upon our expositions."⁸¹ And at the dedication of the Iowa State fair grounds J. B. Grinnell⁸² expressed his opposition to the new tendencies: "I would bar the gates forever to gamblers, jockeys, whiskey venders, and oleomargarine frauds, and leave reptilian monsters, with acrobats, pigmies and fat women to the showman, Barnum. Then write over your portals, dedicated to art, animal industry and

⁸⁰ *Report of the Michigan State Board of Agriculture, 1881-1882*, p. 605.

⁸¹ *Transactions of the Wisconsin State Agricultural Society, 1884*, p. 38.

⁸² *Report of the Iowa State Agricultural Society, 1886*, p. 96.

agriculture". These sentiments were reëchoed here and there throughout the period but with constantly decreasing emphasis and volume.

On the other hand amusements were strongly defended as a necessary and proper part of the modern fair, which it was held should be all things to all men — education to those who would be instructed, entertainment to those who would not, recreation and benefit to all. There were even department managers to defend and present a constructive view of the fakir himself and to maintain that the "fakir is as essential to the fair as is the fair to the fakir".⁸³

That the northwestern fairs, especially the State fairs, had departed decidedly from the old ways there could be no doubt. In every respect they were bigger, in variety of interests and activities they were broader, but as to whether or not they served their purpose relatively better opinions were bound to differ. Inevitably with the acquisition of urban patronage and the broadening of the educational and recreational interests of the rural constituency the exhibitions could not be as strictly and narrowly agricultural and so exclusively didactic. With the radically changed conditions of the times comparison of the relative merits of the fairs of the two periods is impossible, but, at any rate, it is probable that the fairs of the Middle West were keeping more nearly to the appropriate functions and spirit of the agricultural show than were those of the East.⁸⁴

The increase in the number of those attending and the

⁸³ *Report of the Wisconsin State Board of Agriculture*, 1903, pp. 344-348; *Report of the Michigan State Board of Agriculture*, 1899, p. 438, 1901, p. 341.

⁸⁴ For a strong indictment of the urbanized State fair based mainly upon conditions in the East, see an editorial in *The Independent*, August 13, 1908, pp. 389-391. About the same period "The Spectator" in *The Outlook*, November 2, 1907, pp. 474-476, described a typical middle western county fair in the most laudatory terms.

expansion in the activities of the northwestern fairs in this period necessitated a new basis of inter-fair relationships. One of the results of the permanent location of the State fairs, as well as of the growth of aspiring urban centres, was the promotion of independent regional "expositions", thus increasing the number of competing exhibitions.⁸⁵ For some time the inter-fair relations remained largely competitive or hostile. There were needlessly conflicting dates both within and between States and a failure to coöperate effectively in matters of exhibits and other attractions.⁸⁶ The spirit of organized effort that was developing in every line during the post-bellum years, however, was reflected in the development of inter-fair associations of various sorts. Regional circuits avoided costly conflicts in dates and led to a more effective utilization of exhibits, race horses, and special features.⁸⁷

State, county, and district fair associations provided clearing-houses for the consideration of common problems, the formulation of policies, and the fixing of standards.⁸⁸ In 1894 the International Association of Fairs and Expositions was formed as a general confederating agency for the

⁸⁵ For examples see the *Report of the Michigan State Board of Agriculture*, 1873-1874, p. 152, 1891, p. 408; *Report of the Ohio State Board of Agriculture*, 1878, p. 29; *Report of the Wisconsin State Board of Agriculture*, 1910, p. 329.

⁸⁶ *Report of the Iowa State Agricultural Society*, 1869, p. 89; *Report of the Indiana State Board of Agriculture*, 1872, p. 28; *Report of the Michigan State Board of Agriculture*, 1873-1874, p. 207, 1875, p. 516.

⁸⁷ *Report of the Indiana State Board of Agriculture*, 1881, p. 51; *Report of the Ohio State Board of Agriculture*, 1884, p. 52; *Report of the Iowa State Agricultural Society*, 1885, p. 582; *Iowa Year Book of Agriculture*, 1905, p. 999; *Report of the Michigan State Board of Agriculture*, 1881-1882, p. 447; *Transactions of the Wisconsin State Agricultural Society*, 1881-1882, p. 26, 1895, p. 70.

⁸⁸ *Report of the Michigan State Board of Agriculture*, 1875, p. 515, 1878, pp. 581, 582; *Report of the Minnesota State Agricultural Society*, 1915, p. 205, 1920, pp. 214, 215; *Iowa Year Book of Agriculture*, 1913, pp. 215 ff.

larger fairs of this country and Canada.⁸⁹ Inter-regional and inter-State visitations of fair officials became a regular practice.⁹⁰ In the case of fairs, as of all other corporate activities of the period, it was increasingly evident that State boundaries were often artificial. Independent associations sought inter-State support and State fairs, in a number of instances, were so situated that they regularly drew spectators and exhibitors from two or more States.⁹¹

After about 1910 we are in the period of the present-day fair, with organizations and activities reflecting the economic, educational, and social conditions of the present. The modernizing changes that were coming in at the end of the previous period are now fully developed. As official functions for which the Commonwealth is responsible, maintenance of the State fairs is assured. The larger exhibitions are growing to enormous size with total attendance records running to the half million. Elaborately specialized grounds and equipment and highly systematized organization, with an expert manager utilizing the latest methods in publicity promotion are in line with modern business efficiency.⁹² On the other hand a decentralizing tendency

⁸⁹ The name was later changed to the "American Association" and then in turn the former designation was restored.—*Thirty-Second Annual Meeting of the International Association of Fairs and Expositions*, 1922, p. 95; *Report of the Wisconsin State Board of Agriculture*, 1902, pp. 14, 15, 1910, p. 21.

⁹⁰ *Report of the Iowa State Agricultural Society*, 1873, p. 103; *Transactions of the Wisconsin State Agricultural Society*, 1874-1875, pp. 33, 34; *Report of the Wisconsin State Board of Agriculture*, 1910, p. 23; *Iowa Year Book of Agriculture*, 1909, p. 160, 1910, p. 268, 1911, p. 320.

⁹¹ For examples see *Report of Wisconsin State Board of Agriculture*, 1910, p. 329.

⁹² For the present-day fair, see the current reports of the State agricultural departments; proceedings of the International Association; *American City*, May, 1921, pp. 479, 480; *Greater Iowa*, July, 1924, April, 1925; Gilbert's *The Food Supply of New England*, p. 115; Hall and Holcombe's *History of the Minnesota State Agricultural Society from its Organization in 1854 to the*

may be noted in the development in recent years of the "community fair".⁹³

Educational activities of State and regional fairs and, on a smaller scale, of county fairs are abreast of the latest developments and interests. Farm bureau and club exhibits, boys' and girls' encampments and judging contests, home economics displays, health clinics, visual instruction and radio demonstrations, agricultural engineering projects, as well as a great expansion and systematizing of all lines of animal and plant exhibits reflect directly the latest ideas and tendencies in applied science. Aesthetic interests are ministered to by little country theatre productions, elaborate pageants, operatic stars, and miniature art institutes.⁹⁴

Entertainment now instead of being tolerated as a necessary evil is regarded as one of the essential features of the fair, the great ideal of which is a balanced program of education and entertainment.⁹⁵ The amusements provided, involving as they do the triumph of modern inventive and

Annual Meeting of 1910, p. 390; *The Field and System on the Farm*, October, 1921, pp. 748-754.

⁹³ Morgan's *The Community Fair* (*Massachusetts Agricultural College Extension Bulletin*, No. 27); Gilbert's *The Food Supply of New England*, pp. 115, 116.

⁹⁴ For typical activities and expressions of expert opinion see *Report of the Wisconsin State Board of Agriculture*, 1910, pp. 308, 309, 334, 335; *Report of the Wisconsin State Department of Agriculture*, 1915-1916, pp. 123, 124, 1921-1922, pp. 222, 223; *Report of the Michigan State Board of Agriculture*, 1911, p. 520; *Report of the Minnesota State Agricultural Society*, 1915, pp. 15, 16, 233, 1916, p. 331, 1923, pp. 35, 36, 348; Rubinow's *Fairs and their Educational Value* in *North Carolina Extension Circular*, No. 69, *passim*.

⁹⁵ *Report of the Wisconsin State Department of Agriculture*, 1915-1916, p. 106, 1917-1918, pp. 192, 193; *Report of the Minnesota State Agricultural Society*, 1913, pp. 230, 231, 1915, p. 244, 1917, p. 237, 1923, pp. 346-348; Rubinow's *Fairs and their Educational Value* in *North Carolina Extension Circular*, No. 69, p. 6.

managerial genius, would have been regarded as miraculous by the past generation. Shows and carnivals, while necessitating constant censorship and periodical disciplining, have in general shown a marked trend toward higher standards.⁹⁶

To secure even a brief hearing in the midst of such educational advantages and entertainment enticements the speaker of the present day must be a person of extraordinary interest—the President, Vice President, Governor, or a figure of equal prominence. As one pragmatic county fair promoter said: “I think your speaker is just the same as your free attraction or your horses or any vaudeville show—if you haven’t got a headliner I don’t believe he is worth ten cents to you.”⁹⁷

The large and permanent influence that agricultural fairs have come to exert was demonstrated in a striking way in the World War. As soon as war was declared the publicity bureau of the American Association of Fairs and Expositions formulated war service aims for the fairs, and when it was widely rumored that, owing to transportation limitations, the government would discourage the holding of fairs in the fall, the Association met at Washington in July to present their case directly. A subsequent report emphasized the fact that the fairs of the country had a combined

⁹⁶ Johnson's *Crooked Carnivals in The Country Gentleman*, April 25, 1925, pp. 7, 41; *Thirty-Second Annual Meeting of the International Association of Fairs and Expositions*, 1922, pp. 12-43, 60-67, 110; *Iowa Year Book of Agriculture*, 1913, p. 331; *Report of the Minnesota State Agricultural Society*, 1915, p. 13; *Report of the Wisconsin State Department of Agriculture*, 1915-1916, p. 127; Gilbert's *Fairs and their Educational Value in North Carolina Extension Circular*, No. 69, p. 114.

⁹⁷ *Report of the Minnesota State Agricultural Society*, 1916, p. 289. Among the speakers secured for northwestern fairs during the first quarter of the century were President Wm. H. Taft, W. J. Bryan, Warren G. Harding, James M. Cox, Theodore Roosevelt, Calvin Coolidge, and James J. Hill.

normal attendance of 32,000,000 and that they provided the most effective agency for war propaganda, reaching both in numbers and classes the people that were most needed to be lined up for war service. The plans of the fair managers were fully endorsed by the Food Administrator, by the Secretary of Agriculture and the Secretary of War, by the Council of National Defense, and by President Wilson "who told the Fair managers that he believed the state fairs had a great mission to perform this year in helping the government in its food production and conservation campaign, and that if the different agencies of the government did not co-operate with the Fairs, to notify him and he would see that they did."⁹⁸

The State societies formulated elaborate war programs involving stimulation of production, encouragement of conservation and the instilling of patriotism for their own exhibitions, and they also worked out similar programs on a smaller scale for the local fairs.⁹⁹ The Federal government, through the influence of the Association, coöperated with special war exhibits.¹⁰⁰ The fairs in the falls of 1917 and 1918 thus became war activities. In spite of unusual difficulties growing out of abnormally increased costs at all points, overcrowded transportation facilities, and the general unsettled conditions, the war fairs were remarkably successful. At the meeting of the American Association in the winter of 1917, when forty-six of the fifty-eight mem-

⁹⁸ *Report of the Minnesota State Agricultural Society*, 1917, pp. 18-20.

⁹⁹ *Report of the Minnesota State Agricultural Society*, 1917, pp. 18-21, 289-291, 1918, pp. 22, 200; *Iowa Year Book of Agriculture*, 1917, pp. 66, 67, 246, 272, 274-276; *Report of the Wisconsin State Department of Agriculture*, 1917-1918, pp. 190, 191; *Rubinow's Fairs and their Educational Value in North Carolina Extension Circular*, No. 69, pp. 7-9.

¹⁰⁰ *Report of the Minnesota State Agricultural Society*, 1918, pp. 20, 21; *Iowa Year Book of Agriculture*, 1918, p. 297; *Report of the Wisconsin State Department of Agriculture*, 1917-1918, p. 201.

bers were represented, most of the societies reported fairs of record size and enthusiasm.¹⁰¹ Thus quickly and fully mobilizing their resources for the common cause, the agricultural fairs rendered a unique and highly effective war service.

At the high tide of agricultural prosperity immediately following the war, in the years 1919 and 1920, agricultural fairs reached the greatest prosperity in their history.¹⁰² The consequent depression inevitably affected attendances adversely,¹⁰³ but was not without its compensations, as the permanent, serious work of the fair was maintained while some of the spectacular superfluities were largely eliminated.¹⁰⁴ The years of trial in war and reconstruction have demonstrated that the modernized agricultural fair, like the agricultural college, has a definite field and a permanent mission.

EARLE D. ROSS

IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS
AMES IOWA

¹⁰¹ *Report of the Minnesota State Agricultural Society*, 1917, pp. 267, 268, 289, 290; *Report of the Wisconsin State Department of Agriculture*, 1917-1918, pp. 189, 190, 209; Rubinow's *Fairs and their Educational Value in North Carolina Extension Circular*, No. 69, p. 4.

¹⁰² "During the past few years the Fairs of this country have been riding upon a high tide of prosperity, and many conditions indicate that still further immediate advancement will be made".—Secretary-General Manager of the Minnesota State Agricultural Society in *Report of the Minnesota State Agricultural Society*, 1919, p. 24. "The year 1920, the banner year with most fairs".—Vice President of the Eastern States Exposition in *Report of the Minnesota State Agricultural Society*, 1923, p. 347.

¹⁰³ *Report of the Minnesota State Agricultural Society*, 1921, pp. 31-34, 310, 1922, p. 38; *Iowa Year Book of Agriculture*, 1921, p. 69.

¹⁰⁴ Compare *The Field and System on the Farm*, October, 1921, p. 748.

SOME PUBLICATIONS

The Story of the Western Railroads. By Robert Edgar Riegel. New York: The Macmillan Company. 1926. Pp. 345. Students of economic history as well as the general reader should welcome this single volume history of the railroads in the United States. In general the author has attempted to limit the work to the western phase of the story. He ends the discussion of the situation in the early twentieth century because at this point he feels that "the western railroad net is complete", that "conditions have become those of today", and the subject at that point "becomes more interesting to current economics than to history." Much of the material for this volume was taken from newspapers, periodicals, railroad guides and compendiums, and government publications; and the author has used these sources with skill and effect. Some of the material in monographic form has appeared in *The Mississippi Valley Historical Review*, *The Missouri Historical Review*, and *THE IOWA JOURNAL OF HISTORY AND POLITICS*. The volume is well written in a clear interesting style; the chapter on "The Railroads and Western Settlement" being particularly well done. The book contains a bibliography and an adequate index.

Westward Extension, 1763 to 1776, is one of the articles in the April number of *Tyler's Quarterly Historical and Genealogical Magazine*.

A continuation of *The Influence of the Presbyterian Church in Early American History*, by Henry D. Funk, appears in the April number of the *Journal of the Presbyterian Historical Society*.

A second installment of Jeannette Thurber Connor's *The Nine Old Wooden Forts of St. Augustine*; and *Some Florida Names of Indian Origin*, by Frank Drew, are two papers in the April number of *The Florida Historical Society Quarterly*.

The *Proceedings of the American Antiquarian Society* dated April, 1925, contains another installment of a *Bibliography of American Newspapers, 1690-1820*, compiled by Clarence S. Brigham. This relates to Tennessee and Vermont.

Washington's Mission to the French Forts in 1753, by Don Marshall Larrabee; *Indians and Their Antiquities*, by E. Melvin Williams; *Shay's Rebellion*, by Charles S. Shriner; and *The Western Terminus of the Oregon Trail*, by Francis E. Smith, are among the articles published in *Americana* for April.

Of special interest to middle western readers is the article entitled *The Children of the Pioneers*, by Frederick Jackson Turner, which appears in *The Yale Review* for July. This is a study of the contributions of men and women from the Middle West to the various branches of human activity, such as science, art, history, literature, economics, and finance.

The *Fortieth Annual Report of the Bureau of American Ethnology* contains the following papers, all by Truman Michelson, of interest to Iowa history students: *The Mythical Origin of the White Buffalo Dance of the Fox Indians*; *The Autobiography of a Fox Indian Woman*; *Notes on Fox Mortuary Customs and Beliefs*; *Notes on the Fox Society known as "Those Who Worship the Little Spotted Buffalo"*; and *The Traditional Origin of the Fox Society known as "The Singing Around Rite"*.

WESTERN AMERICANA

The University of Oregon has issued in pamphlet form a monograph by Edwin T. Hodge entitled *Mount Multnomah Ancient Ancestor of the Three Sisters*.

The Watertown Village Site, by Anton Sohrweide, is an interesting picture of an old Indian village site appearing in *The Wisconsin Archeologist* for April.

Measuring Americanism, by Carl M. Rosenquist; and *The Grange as a Political Factor in Texas*, by Roscoe C. Martin, are two papers

of interest to historians in the March number of *The Southwestern Political and Social Science Quarterly*.

History of Radio, by S. M. Kintner; *Old Bayardstown*, by P. W. Siebert; and a continuation of *Child Life in Colonial Western Pennsylvania*, by Percy B. Caley, are three papers in the April issue of the *Western Pennsylvania Historical Magazine*.

John Brown and Slavery and a continuation of *The Creation of the National Land Policy* are short articles in the April number of the *Chicago Historical Society Bulletin*. In the issue for May there is *Some Original Papers of the American Revolution*.

Two recent numbers of the *Bulletin of the Public Museum of the City of Milwaukee* contain studies on the Indians by Alanson Skinner. One is the *Ethnology of the Ioway Indians*, the second *The Mascouten or Prairie Potawatomi Indians, Part II — Notes on the Material Culture*.

The Movement to the Far West During the Decade of the Sixties, by Dan E. Clark, and a continuation of the *Diary of Wilkes in the Northwest* are two papers in the April number of *The Washington Historical Quarterly*.

George W. Rightmire, President of Ohio State University; *The Map of Hamilton County*, by James A. Green; *Education in Territorial Ohio*, by W. Ross Dunn; *A Chapter in Early Dental History*; and *The Ninth Ohio Volunteers*, by Carl Wittke, are the contributions in the April number of the *Ohio Archaeological and Historical Quarterly*.

The Indiana Historical Society has recently published numbers three and four of volume eight of the *Indiana Historical Society Publications*. The first of these is *The Environment of Abraham Lincoln in Indiana with an Account of the De Bruler Family*, by John E. Iglehart and Eugenia Ehrmann; the second is *Early Navigation on the St. Joseph's River*, by Otto M. Knoblock.

Franklin County Tax Lists, 1795; a record of non-residents who entered land in Kentucky; *Index to Shelby County Marriages*

1800-1830; *Carter Henry Harrison, Kentuckian*, by John Wilson Townsend; and *The Louisville and Nashville Turnpike*, by S. G. Boyd, are among the papers and articles in the May number of *The Register of the Kentucky State Historical Society*.

The *Jahrbuch der Deutch-Amerikanischen Historischen Gesellschaft von Illinois* for 1924-1925, Vol. XXIV-XXV, contains three papers — *Amerika in der Phantasie deutscher Dichter*, by Gerhard Desezyk; *German-American Political Thought*, by Julius Goebel; and *Lessons of a Century (1876)*, by Karl Heinzen.

Pictographs of Colorado, by Jean Allard Jeanson; *Status of the San Luis Valley, 1850-1861*, by L. R. Hafen; *A Colorado Pioneer and His Cabin*, by Albert B. Sanford; *With the Troops in Colorado, 1865*, by R. O. Woodward; and *Early Days in Canon City and South Park*, by Warren R. Fowler, are the articles and papers in *The Colorado Magazine* for May.

Minnesota Pioneer Life as Revealed in Newspaper Advertisements, by Theodore C. Blegen; *The Promotion of American History and of History in America*, by Solon J. Buck; and *Minnesota as Seen by Travelers — Isaac I. Stevens on the Pacific Railroad Survey of 1853* — are three articles in the June number of the *Minnesota History*.

The *Indiana History Bulletin* for April contains a useful announcement. This is a list of persons working on Indiana history and the particular subject in which they are interested. It is hoped that by this means additional material may be sent to those preparing articles for publication. The May issue contains a paper by W. Y. Guernsey on *An Aboriginal Cemetery and Village Site in Jackson County, Indiana*.

The March issue of *The Quarterly of the Oregon Historical Society* contains the following papers: a continuation of *The Creation of Oregon as a State*, by Charles H. Carey; *Oregon Immigration Prior to 1846*, by M. L. Wardell; *The Development of Medical Education in the Pacific Northwest*, by O. Larsell; *Wishram*, by Henry J. Biddle; an installment of *Oregon Geographic Names*, by

Lewis A. McArthur; and *Journal of a Trip to Oregon 1851*, by Elizabeth Woods.

The *Michigan History Magazine* for April contains among others the following papers and articles; *Alpheus Felch: An Appreciation*, by Herbert Randall; *Little Journeys in Journalism*, an autobiography by William M. Hathaway; *Reminiscences of the Early Michigan Bar*, by Joseph B. Moore; *Dr. Tappan Comes to Michigan*, by Charles M. Perry; *History of the Michigan State Federation of Women's Clubs*, by Irama T. Jones; and *Chief Andrew Blackbird*, by Ivan Swift.

Volume thirty-one of the *Filson Club Publications* contains reprints of William Littell's *Political Transactions In and Concerning Kentucky*, of Wilkinson's *Memorial and Expatriation Declaration*, and of *A Letter from George Nicholas, of Kentucky, to His Friend, in Virginia*. The introduction of nearly one hundred and twenty pages is contributed by Temple Bodley. Littell later became well known as the author of *Littell's Reports* and *Littell's Laws of Kentucky*. Colonel George Nicholas, before his removal to Kentucky, had been prominent in Virginia as a supporter of the Federal Constitution.

A continuation of *New Mexico in the Great War*, by Rupert F. Asplund, is the first article in *The New Mexico Historical Review* for April. This is an account of the State Council of Defense. Other articles in this number — the second published — are the following: *Spanish Folk-Lore in New Mexico*, by Aurelio M. Espinosa; another installment of *Oñate and the Founding of New Mexico*, by George P. Hammond; and *Discovery of the Seven Cities of Cibola*, by Percy M. Baldwin.

The March number of the *Indiana Magazine of History* contains the following articles: *Admission of Indiana into the Union*, by James A. Woodburn; *The Revision of 1807*, by Lee Burns; *Flour Mills in Indiana*, by George Branson; *Potawatomi Reservations in Benton, Fountain, Warren and Tippecanoe Counties*, by J. Wesley Whickcar; *Tri-County Historical Itinerary*, also by Mr. Whickcar;

Early Elkhart County History, by H. S. K. Bartholemew; *Makers of Bartholemew County*, by George Pence. A biography and some letters of Martin Lex Bundy are also included.

Sumner-Brooks-Burlingame or the Last of the Great Challenges, by James E. Campbell; *A History of Flood Control in Ohio*, by Arthur E. Morgan and C. A. Bock; *Tablet to Abraham Lincoln at Mansfield*, a speech by Charles H. Workman; *The Akron Centennial*, by Edwin W. Brouse; and *The Presidential Campaign of 1864 in Ohio*, by Elizabeth F. Yager, are the papers and addresses published in the *Ohio Archaeological and Historical Quarterly* for October, 1925. In the issue for January, 1926, are the following: *Explorations of the Hopewell Group of Prehistoric Earthworks*, by H. C. Shetrone, and reports of the fortieth annual meeting of the Society.

Early Land Communication with the Lower Mississippi Valley, by Julian P. Bretz; *A Cattleman's Commonwealth on the Western Range*, by Louis Pelzer; and *Thomas Ashe and the Authenticity of His Travels*, by Francis H. Herrick, are three articles in the June number of *The Mississippi Valley Historical Review*. *The Captivity of Charles Stuart, 1755-57*, edited by Beverly W. Bond, Jr., appears under *Documents*. Stuart was a native of Pennsylvania who for two years was a prisoner of the Indians and the French.

Missouri River Transportation in the Expansion of the West, by Edgar A. Holt; *Achievements of the Missouri D. A. R.*, by Mrs. W. R. Painter; *Western Missouri in 1837*, by Mrs. J. H. Brough; *John Monteith*, by William Clark Breckenridge; *Personal Recollections of Distinguished Missourians—Frank P. Blair*, by Daniel M. Grissom; *Little Visits with Literary Missourians—Augustus Thomas*, by Catharine Cranmer; and *The Liberal Republican Movement in Missouri*, by Thomas S. Barclay, are the papers and articles in *The Missouri Historical Review* for April.

Reminiscences of a Range Rider, by James C. Henderson; *An Incident in the Early History of Dewey County*, by Frank D.

Northrup; and *Du Tisne's Expedition into Oklahoma, 1719*, by Anna Lewis, are three articles in the *Chronicles of Oklahoma* for December, 1925. The March, 1926, issue contains the following contributions: *Life in the Cherokee Nation a Decade After the Civil War*, by V. A. Travis; *A Nearly Forgotten Fragment of Local History*, by R. L. Ream; *Gleanings from the By-Ways of Oklahoma Folk Lore*, by Mable Caldwell; *Some Legends of Oklahoma*, by Walter R. Smith; and *A Choctaw Indian's Diary*, by W. F. Dunkle. This number also includes various reports of the Society.

Eric Janson and the Bishop Hill Colony, by Sivert Erdahl; *Address at the Jacksonville Centennial, October 6, 1925*, by Richard Yates; *A Voice from the Past*; *Letters of Jean Girault Relating to the Illinois Country*, by H. W. Roberts; *The Ringers of the Liberty Bell*, by Mary D. Alexander; *Personal Recollections of the Early Settlement of Carlinville, Illinois*, by Mrs. Mary Byram Wright; *Early Settlements in Illinois*, by Harriet Baker Winston; *Somonauk United Presbyterian Church*; and *Model of Piasa Bird found in French Museum*, by H. W. Long, are the articles and papers in the *Journal of the Illinois State Historical Society* for October, 1925.

IOWANA

Reminiscences and Happenings of the Past Eighty-One Years, by Mrs. Martha L. Greenlee, is a pamphlet dealing with pioneer life near Richland, Iowa. It was published by Sarah E. Carmichael who contributes a poem, *Pioneer Days in Iowa*.

Bulletin number twenty-two of the Okoboji Protective Association contains a number of papers relative to the region in the vicinity of the lakes. Among these are the following: *Opening of an Indian Mound*, by Effie Wells Loucks; and *Pioneer Physicians of the Lake Region*, by Chas. S. Schultz.

Driving Sheep from Kentucky to the Hudson's Bay Country, a narrative by Robert Campbell; *Indian Affairs of Iowa in 1840*,

from letters of Robert Lucas, John Chambers, and James Clark; and a continuation of *Benjamin F. Pearson's War Diary* are the contributions in the *Annals of Iowa* for April.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Arnold, Lionel K.,

Sugar Is Extracted from Corn. (The Iowa Engineer, April, 1926).

Black, Forrest R.,

Conscription for Foreign Service (The American Law Review, March-April, 1926).

The Role of the President and the Senate in the Treaty Making Power (St. Louis Law Review, April, 1926).

Boles, H. R.,

How the Vigilantes Sold Themselves to Clinton County, Iowa (The Northwestern Banker, April, 1926).

Breffman, E. M., (joint author)

Corn and Corn Growing. Des Moines: Wallaces' Farmer, 1926.

Brookhart, Smith Wildman,

Plight of the Farmer (The Nation, April 7, 1926).

Busby, John A. C.,

Control of Contagious and Infectious Diseases in Institutions (Bulletin of Iowa State Institutions, April, 1925).

Butler, Ellis Parker,

My Greek Novel (Bookman, April, 1926).

Carver, Thomas Nixon,

What New England is Doing (The American Review of Reviews, June 1926).

Caughy, Robt. A.,

Experimental Impact Studies on Highway Bridges (Engineer-

ing Experiment Station Bulletin No. 75). Ames, Iowa:
Iowa State College of Agriculture and Meehanic Arts. 1926.

Clark, Dan E.,

The Movement to the Far West During the Decade of the Sixties (The Washington Historical Quarterly, April, 1926).

Conkling, W. S.,

Standardized Principles in the Treatment of Syphilis (Bulletin of Iowa State Institutions, April, 1925).

Corcoran, Harry J.,

The Selection, Care and Operation of Fire-Fighting Equipment (Engineering Extension Bulletin No. 79). Ames, Iowa: Iowa State College of Agriculture and Meehanic Arts. 1926.

Crickman, C. W.,

A Partial Correlation Analysis of Farm Organization and Management Data from Warren County, Iowa (Research Bulletin No. 89). Ames, Iowa: Iowa State College of Agriculture and Meehanic Arts. 1926.

Dickenson, L. J.,

The Farmer and the National Welfare (The Consensus, April, 1926).

Eriksson, Erik McKinley,

William Wirt: Anti-Masonic Presidential Candidate (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., April, 1926).

Flickinger, Robert Elliott,

The Flickinger Families in the United States. Des Moines: Published by the Author. 1926.

Flickinger, Roy C.,

Some Problems in Scenic Antiquities (Philological Quarterly, April, 1926).

French, F. C.,

Adopt Co-operative Courses (The Iowa Engineer, May, 1926).

Fuller, Almon H., (joint author)

Experimental Impact Studies on Highway Bridges (Engineering Experiment Station Bulletin No. 75). Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1926.

Gillen John Lewis,

Economic Aspects of the Community that Determine the Nature and Extent of Comprehensive Democratic Organization (National Conference of Social Work, 1925).

Persistence of Crime in Our Modern Civilization (National Conference of Social Work, 1925).

Popular Presentation of Public Social Work (National Conference of Social Work, 1925).

Gould, C. L.,

Crime and Our Treatment of the Criminal (Bulletin of Iowa State Institutions, October, 1925).

Greene, W. K.,

To Bridge Carquinez Strait (The Iowa Engineer, April, 1926).

Hall, James Norman,

Why I Live in Tahiti (Atlantic Monthly, April, 1926).

Hinman, Jack J., Jr.,

The Swimming Pool and Its Sanitation (Iowa Health Bulletin October-December, 1925).

Hoover, Herbert Clark,

Reduction of Prices through the Elimination of Industrial Waste. Washington: Government Printing Office. 1925.

Horne, Ernest,

Moral and Civic Education in the Elementary School (The Annals of the American Academy of Political and Social Science, May, 1926).

Hughes, H. D.,

Alfalfa (Bulletin of Iowa State Institutions, October, 1925).

- Hughes, Rupert,
1926 Model Wife (Colliers, April 10, 1926).
- Kepford, A. E.,
Some Observations in a Laboratory of Democracy (Bulletin of Iowa State Institutions, October, 1925).
- Livingston, W. Ross,
The First Responsible Party Government in British North America (The Canadian Historical Review, June, 1926).
- Lowden, Frank O.,
The Farmer and the National Welfare (The Consensus, April, 1926).
- Macy, E. C.,
Reconstructing the Gem Lake Dam (The Iowa Engineer, May, 1926).
- Macy, Roscoe,
Korreet Etikette for the Kountry Banker (The Northwestern Banker, April, 1926).
- Manatt, R. R.,
Florida Experiences Great Boom (The Iowa Engineer, April, 1926).
- Meredith, Edwin T.,
The Farmer and the National Welfare (The Consensus, April, 1926).
- Merriam, Charles Edward,
Four American Party Leaders. New York: Macmillan Co. 1926.
The Progress of Political Research (The American Political Science Review, February, 1926).
- Merriam, John Campbell,
Papers Concerning the Palaeontology of the Pleistocene of California and the Pliocene of Oregon. Washington: Carnegie Institution. 1925.

- Okey, Frank M.,
Concrete as She Is Poured (The Iowa Engineer, April, 1926).
- Orton, Samuel T.,
Relation of Psychopathic Hospitals to the Mental Hygiene Movement (National Conference of Social Work, 1925).
- Pedersen, Hans V.,
Better Operation for Iowa Sewage-Treatment Plants (Engineering Extension Bulletin No. 80). Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1926.
- Pelzer, Louis,
A Cattleman's Commonwealth on the Western Range (The Mississippi Valley Historical Review, June, 1926).
- Rush, Charles E., (joint author)
Modern Aladdins and Their Magic. New York: Little, Brown and Co. 1926.
- Russell, Charles Edward,
New Industrial Era (Century, May, 1926).
- Rutherford, Geddes W.,
Spheres of Influence: An Aspect of Semi-Suzerainty (American Journal of International Law, April, 1926).
- Sabin, Edwin Legrand,
Río Bravo. Philadelphia: Macrae Smith. 1926.
- Sherbon, Florence Brown,
Children's Codes (Bulletin of Iowa State Institutions, July, 1925).
- Sigmund, Jay G.,
Scourge (poem) (The Midland, June, 1926).
Sexton (poem) (The Midland, June, 1926).
- Smith, Harry P.,
Unit vs. Multiple Control of City School Administration (City Manager Magazine, May, 1926).

- Stefansson, Vilhjalmur,
Life in Polar Seas (Forum, May, 1926).
- Stewart, Edgar A.,
Progress of Medicine in the Last Fifty Years (Bulletin of Iowa State Institutions, October, 1925).
- Stoddard, George Dinsmore,
Iowa Placement Examinations (University of Iowa Studies in Education). Iowa City, Iowa: State University of Iowa. 1926.
- Taylor, Alonzo Englebert,
Our Capacity to Receive Debt Payments (Saturday Evening Post, December 26, 1925).
- Taylor, Clifford C., (joint author)
Farm Organization and Farm Profits in Tama County, Iowa (Research Bulletin No. 88). Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1926.
- Uhl, Caroline,
One Year at the Training School for Girls (Bulletin of Iowa State Institutions, October, 1925).
- Ullman, B. L.,
Latin Manuscripts in American Libraries (Philological Quarterly, April, 1926).
- Van Metre, P. W.,
Treatment of Venereal Disease in Institutions (Bulletin of Iowa State Institutions, April, 1925).
- Wallis, Rolland S.,
A Civic Survey of an Iowa Municipality (Engineering Extension Bulletin No. 76, Pts. 1 and 2). Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1926.
Zoning Procedure for Iowa Municipalities (Engineering Extension Department Bulletin No. 65). Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1926.

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Corn and Corn Growing. Des Moines: Wallaces' Farmer. 1926.

Ward, Duren J. H.,

The Biography of God, as Men Have Told It. Denver: Up the Divide Publishing Co. 1926.

A Receivership for Civilization. Boston: Four Seas Publishing Co. 1926.

Warren, A. W.,

Engineers Turn to Salesmanship (The Iowa Engineer, May, 1926).

Waterman, Earle L.,

Protection of Highway Water Supplies (American Journal of Public Health, March, 1926).

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Early Wright County history, in the *Wright County Monitor*, March 24, 1926.

Sketch of the career of H. D. Hanson who was born in Iowa in July, 1846, in the *Williamsburg Journal*, March 25, 1926.

An ideal pioneer community of Iowa—old Indianapolis, in the *Delta Press*, March 25, 1926.

Early days on the Tipton—pioneer days in Hardin County, in the *Eldora Herald*, March 26, 1926.

Some former election days, in the *Keokuk Citizen*, March 26, 1926.

Navigation of the Des Moines River, by Jasper Blines, in the *Burlington Post*, March 27, May 8, June 5, 1926.

Sketch of the career of two Davis County pioneers, George Wallace Post and Judge Benj. F. Good, in the *Bloomfield Democrat*, April 1, 1926.

Sketch of the career of Seth Dean, a civil engineer for fifty years in Mills County, in the *Glenwood Opinion*, April 1, 1926.

Early days on the Tipton, pioneer life in Hardin County, by Jno. T. Boylan, in the *Eldora Herald*, April 1, 8, 15, 22, 29, May 6, 13, 20, 27, June 3, 10, 17, 1926.

Memories of Old Montrose, by J. P. Kennedy, reprinted from the *Montrose Journal* in the *Burlington Post*, April 3, 10, May 1, 1926.

Sketches of early events in the history of Iowa, by N. Littler, in the *Washington Evening Journal*, April 3, 9, 17, 24, May 1, 8, 15, 1926.

How an Iowan engineered the Appomattox victory, by Dr. Charles Keyes, in the *Des Moines Register*, April 4, 1926.

Early days in Marion, in the *Cedar Rapids Republican*, April 4, 1926.

Epochs in the progress of Jefferson County, by William Loudon, in the *Fairfield Ledger*, April 5, 1926.

Preserving local history, in the *Spencer Reporter*, April 7, 1926.

Eighty-three years of reminiscence, in the *Wayland News*, April 8, 1926.

Sketches of Davis County pioneers, Judge Edward E. Good, William C. Howie, and Professor John M. Howie, in the *Bloomfield Democrat*, April 8, 1926.

Early days at La Porte City, in the *La Porte City Review*, April 8, 1926.

The first fort in America, in the *Oskaloosa Herald*, April 10, 1926.

How the *Sioux City Journal* was started, in the *Des Moines Register*, April 12, 1926.

The story of the West Saude School, in the *New Hampton Gazette*, April 14, 1926.

Center Point history, in the *Center Point Independent*, April 15, 1926.

The founding of the *Council Bluffs Nonpareil*, in the *Cedar Rapids Gazette*, April 15, 1926.

When land near Knoxville sold for ninety cents an acre, in the *Knoxville Express*, April 15, 1926.

A famous Iowa Civil War flag, in the *Knoxville Express*, April 15, 1926.

Ancient Indian tomb discovered near Cascade, in the *Dyersville Commercial*, April 15, 1926.

Market prices in 1857, in the *Keokuk Citizen*, April 16, 1926.

Cedar Falls in 1857, in the *Cedar Falls Record*, April 17, 1926.

Letters from Mark Twain to a Keokuk girl, in the *Keokuk Gate City*, April 17, 1926.

Iowa was settled mostly by southerners, by F. I. Herriott, in the *Des Moines Register*, April 18, 1926.

Forgotten history of Marion and Linn County, by Grace Christie, in the *Cedar Rapids Republican*, April 18, 1926.

Two interesting pioneers, John McClain, and "Uncle Tommy" Mitchell, by A. C. Miller, in the *Des Moines Plain Talk*, April 22, 1926.

Madison County eighty years old, in the *St. Charles News*, April 22, 1926.

Sketches of Davis County pioneers, Ella Hamilton-Durley and Gus R. Humphrey, in the *Bloomfield Democrat*, April 22, 1926.

Seventy years in Union County, in the *Creston Advertiser*, April 24, 1926.

The biography of the Bolick elm, by Dave Bolick, in the *Burlington Gazette*, April 24, 1926.

When the Dutch took Calliope, by Gertrude Henderson, in the *Sioux City Journal*, April 25, 1926.

History of Garrison, in the *Vinton Times*, April 27, 1926.

Pioneer experiences in Lucas County, in the *Chariton Leader*, April 27, 1926.

Sketch of the life of Judge Milo P. Smith, in the *Cedar Rapids Republican*, and the *Cedar Rapids Gazette*, April 28, 1926.

Early Wayne County history, in the *Humestone New Era*, April 28, 1926.

Old stone houses built by Caleb Clark, by Judge W. H. Lewis, in the *Winterset News*, April 29, 1926.

Sketch of the career of Orin Burke Bissell, Madison County pioneer, by W. H. Lewis, in the *Winterset Madisonian*, April 29, 1926.

The famous Holland raid, by Gertrude Henderson, reprinted from the *Sioux City Journal*, in the *Hawarden Independent*, April 29, 1926.

Prominent members of the Polk County bar in 1880, by A. C. Miller, in the *Des Moines Plain Talk*, April 29, 1926.

Stirring events of 1861-1865 in Keokuk, in the *Keokuk Citizen*, April 30, May 7, 14, 21, 28, 1926.

Keokuk weddings in 1849, in the *Keokuk Citizen*, April 30, 1926.

Tracing the Mormon trail across Iowa, by Stella M'Cord, in the *Des Moines Register*, May 2, 16, 30, June 6, 1926.

Incidents in the story of the Third Iowa, a famous regiment of the Civil War, by Gertrude Henderson, in the *Sioux City Journal*, May 2, 1926.

An execution by vigilantes in Scott County, in the *Davenport Democrat*, May 2, 1926.

Pioneer life in Iowa, by Frank P. Clarkson, in the *Ida Grove Record-Era*, May 5, 1926.

Sketch of the career of William Morford, a resident of Iowa for

eighty-eight years, by W. E. Littler, in the *Atlantic News-Telegraph*, May 5, 1926.

Buren R. Sherman, twelfth Governor of Iowa, by R. B. Fisher, in the *Rockwell City Republican*, May 6, 1926, and the *Des Moines Plain Talk*, June 3, 1926.

Historical review of Monona County, in the *Ute Independent*, May 7, 1926.

Some Davis County history, by Mrs. Mollie Schlegel, in the *Bloomfield Republican*, May 11, 1926.

The beginnings of the *Ottumwa Courier*, in the *Fairfield Ledger*, May 11, 1926.

Sketch of the career of John J. Hamilton, Davis County pioneer, in the *Bloomfield Democrat*, May 13, 1926.

Some Guthrie County history by Mrs. Irene Madren, in the *Guthrie Center Times*, May 13, 1926.

William Larrabee, thirteenth Governor of Iowa, by R. B. Fisher, in the *Rockwell City Republican*, May 20, 1926.

Comments on the Mormon exodus across Iowa, by Arthur Goshorn, in the *Winterset News*, May 20, 1926.

Reminiscences of pioneer days at Thompson, by C. T. Fletcher, in the *Thompson Courier*, May 20, 1926.

Center Point history, in the *Center Point Independent*, May 20, 1926.

General Dodge's Third Brigade Band, in the *Grinnell Herald*, May 21, 1926.

Keokuk at the close of the Civil War, in the *Keokuk Citizen*, May 21, 1926.

Advertising in 1854, in the *Keokuk Citizen*, May 21, 1926.

An account of the Indian mound near Cherokee, in the *Cherokee Times*, May 21, 1926.

Monona County's most brutal murder, in the *Ute Independent*, May 21, 1926.

Sketch of the career of Edwin F. Clarke, an early Iowa actor, in the *Red Oak Sun*, May 21, 1926.

Log cabins of the pioneers, in the *Sioux City Journal*, May 23, 1926.

Five Sioux Cityans who marched with Sherman to the sea, by Gertrude Henderson, in the *Sioux City Journal*, May 23, 1926.

The Lewis and Clark expedition, in the *Albia Union-Republican*, May 24, 1926.

Some early history of Lincoln Township, Madison County, by M. C. Leinard, in the *Winterset Madisonian*, May 27, 1926.

Horace Boies, fourteenth Governor of Iowa, by R. B. Fisher, in the *Rockwell City Republican*, May 27, 1926.

When boys and girls wore red-topped boots, in the *Keokuk Citizen*, May 28, 1926.

The story of the Bonnifield family, pioneers of Jefferson County, by Mrs. Harley Hoopes, in the *Fairfield Daily Ledger*, May 29, 1926.

A brief history of the *Des Moines Register*, in the *Des Moines Register*, May 30, 1926.

Observing Memorial Day for sixty years, in the *Des Moines Capital*, May 31, 1926.

How H. P. Scholte gave a lot to each soldier of a Pella company, in the *Knoxville Journal*, June 3, 1926.

The Greeley-Grant campaign, by Judge G. W. Crozier, in the *Knoxville Journal*, June 3, 1926.

The last survivor of a Keokuk artillery company, in the *Keokuk Citizen*, June 4, 1926.

Swift justice meted out by pioneers, in the *Clinton Herald*, June 4, 1926.

Sketch of the career of Frank Dagle, commander of the Iowa G. A. R., in the *Keokuk Gate City*, June 8, 1926.

Early history of Maquoketa, by Francis Ellis, in the *Maquoketa Sentinel*, June 8, 1926.

The story of the birthplace of the G. A. R., in the *Keokuk Gate City*, June 9, 1926.

Early history of Roscoe Township and vicinity, by R. W. Anderson, in the *Bloomfield Democrat*, June 10, 17, 1926.

A review of Cedar County history, by C. S. Neiman, in the *Tipton Advertiser*, June 10, 1926, and the *Tipton Conservative*, June 16, 1926.

When wounded soldiers of the Civil War were brought to Keokuk hospitals, in the *Keokuk Gate City*, June 10, 1926, and the *Keokuk Citizen*, June 11, 1926.

Olden times in Gowrie, in the *Gowrie News*, June 10, 1926.

Some steamboats of the season of 1841, in the *Keokuk Citizen*, June 11, 1926.

Pioneer days in Cedar Rapids as recalled by Captain J. O. Stewart, in the *Cedar Rapids Republican*, June 13, 1926.

The story of Custer's last battle, by General E. S. Godfrey, in the *Sioux City Journal*, June 13, 1926.

Sketch of William Morford, Griswold pioneer who has lived in Iowa for eighty-eight years, by W. E. Littler, in the *Des Moines Register*, June 13, 1926.

Leslie Shaw, seventeenth Governor of Iowa, by R. B. Fisher, in the *Rockwell City Republican*, June 17, 1926.

Early Wayne County history, in the *Seymour Herald*, June 17, 1926.

HISTORICAL ACTIVITIES

A celebration is being planned in honor of the sesquicentennial anniversary of George Rogers Clark's capture of Vincennes in 1779.

The annual meeting of the Missouri Historical Society was held at the Jefferson Memorial on April 30, 1926. A bust of Judge J. Gabriel Woerner, by Victor S. Holm, was presented by his children. The address was given by Charles W. Bates. A memorial address on John H. Gundlach was given by J. Hugo Grimm.

The Minnesota Historical Society sponsored another historic tour in connection with the State Historical Convention held at Mankato on June 17th and 18th. This pilgrimage to places of interest in Minnesota history left St. Paul on the morning of June 16th, visiting Mendota, Castle Rock, Northfield, Faribault, and Madison Lake. A talk by Frank E. Balmer on "The Farmer and Minnesota History" was one of the features of this tour.

On April 6, 1926, the anniversary of the entrance of the United States into the World War, the Ohio State Archaeological and Historical Society dedicated the Memorial Wing of the Museum and Library Building. The dedicatory address was given by Theodore E. Burton. Governor Vic Donahey, Benson W. Hough, and Ralph D. Cole also spoke. More technical were the address by Alexander C. Flick and the papers by Wallace H. Catheart, Charles T. Greve, and Lucy E. Keeler.

The Great Northern Railway is making plans for what is known as the Columbia River Historical Expedition of 1926. The party is being organized under the leadership of the Governors of Minnesota, North Dakota, Montana, Idaho, Washington, and Oregon, and the historical societies in these States. The expedition will leave Chicago on July 15 and visit such points of interest as St. Paul, Fort Union, Fort Benton, Glacier National Park, and Astoria. About two weeks will be spent on the trip.

The Nineteenth Annual Convention of the Mississippi Valley Historical Association and the Twenty-seventh Annual Meeting of the Illinois State Historical Society were held at Springfield, Illinois, May 6-8, 1926. At the same time the Teachers' Section of the former organization held its annual session and contributed one section of the general program. Dr. Benj. F. Shambaugh, Superintendent, and Bruce E. Mahan, Associate Editor, represented the State Historical Society of Iowa at the meeting. Professor Louis Pelzer of the history department of the State University of Iowa read an interesting paper on "The Shifting Cow Towns of Kansas", and Dr. Winfred T. Root, head of the department, led the discussion at the section devoted to the consideration of the topic "The Literary Motive in the Writing of History". Mr. Root also served as the chairman of the resolutions committee. Dr. Fred A. Shannon of Iowa State Teachers' College read a paper on "The Life of the Common Soldier in the Union Army 1861-1865"; and Dr. Erik McKinley Eriksson of Coe College discussed "The Federal Civil Service under President Jackson". Dr. Shambaugh presided at a dinner session and introduced Carl Sandburg and Senator Albert J. Beveridge as the speakers of the evening. In addition to the academic and literary part of the program, a series of luncheons, dinners, receptions, and excursions to Lincoln's home, the Lincoln tomb, and to the restored village of New Salem were interesting features of the meeting. Dr. Otto L. Schmidt of Chicago was elected president; Mrs. Clara S. Paine of Lincoln, Nebraska, secretary-treasurer; E. Merton Coulter of Georgia, Donald L. McMurry of Iowa, and Fred A. Shannon of Kansas, members of the executive committee; and A. C. Krey of Minnesota, and Miss Bessie L. Pierce of Iowa, members of the executive committee of the Teachers' Section. The executive committee selected Beverly W. Bond, Jr., of Ohio, William E. Connelley of Kansas, and R. S. Cotterell of Kentucky as members of the board of editors.

IOWA

Johnson Brigham, State Librarian, gave an address, "The In-

fluence of Pioneer History Upon Iowa'', at a meeting of the Marshall County Historical Society on April 27, 1926.

On April 3, 1926, *The Washington Evening Journal* issued a special edition commemorating the twenty-fifth anniversary of the paper. Much interesting material concerning the present and past of Washington was included.

The Worth County Historical Society has recently acquired a number of relics, pioneer tools, and Indian implements. These articles were contributed by Peter Larson, A. J. Arneson, and C. G. Mellem.

A meeting of the Pella Historical Society was held at the city hall on May 17th. The officers elected are as follows: president, H. F. Johnson; vice president, Y. T. Van Niewaal; curator, Mrs. Kate Beard; treasurer, Mrs. A. N. Vander Linden; and secretary, Mrs. B. H. Langerak.

A "log cabin day", arranged by some of the teachers and superintendents of Dickinson County, was celebrated at Arnold's Park on May 8th. The chief purpose was the presentation to the school children of the incidents of the Spirit Lake Massacre.

A monthly meeting of the Howard County Historical Society was held at Cresco on April 12, 1926. A. E. Bents gave a talk on pioneer conditions, including the story of Treaty Point, two miles northeast of Cresco. Mrs. Albert Culbert was the speaker at the meeting on May 10th.

On June 23, 1926, *The Cascade Pioneer* celebrated its fiftieth anniversary. The paper was established by Charles H. Monger when Cascade was an unincorporated village. During the last forty-nine years, the paper has been edited and published first by Isaac W. Baldwin, and then by his son, C. D. Baldwin. The anniversary number contains a fac-simile of the first paper and many interesting items of local history.

An historical pageant portraying events in Winneshiek County was given at Decorah on July 4 and 5, 1926. The production was

managed by the Thurston Pageant Company of Chicago. A similar pageant, depicting the history of Clayton County will be given at the Elkader Fair on July 14 and 15, 1926.

The Historical, Memorial and Art Department of Iowa has received two collections of documents and articles illustrative of Iowa history. One, containing materials concerning Charles Mason, was donated by Charles Mason Remey, a grandson of Judge Mason. The other relates chiefly to David W. Kilbourne and was the gift of Mrs. Emma Kilbourne Wright.

On June 8th the South Bethel Methodist Church, a rural church near Tipton, Iowa, presented a pageant portraying the history of Cedar County. The production required one hundred and seventy-five characters and was in four episodes — the passing of the red men, the coming of the pioneers, John Brown in Cedar County, and a pioneer wedding. Rev. Earl E. Welch, the pastor of the church, wrote the lines and directed the pageant.

The twenty-third annual meeting of the Madison County Historical Society was held in the court room at Winterset on April 27, 1926. G. W. Samson, of the State Department of Public Instruction, gave the chief address on the subject, "History, the Great Teacher". Biographical sketches of O. B. Bissell and Caleb Clark, prepared by Judge W. H. Lewis, were read. M. C. Leinard presented a paper on "Some Early Reminiscences of Lincoln Township" and H. A. Mueller read a paper on Madison County prepared by A. J. Horsington. H. A. Mueller was reelected president; E. R. Zeller, vice president; and Mrs. Jean Scott, secretary-treasurer.

THE STATE HISTORICAL SOCIETY OF IOWA

Bruce E. Mahan, associate editor of the State Historical Society of Iowa, delivered the Memorial Day address at Bedford on May thirty-first.

The State Historical Society of Iowa has recently received from J. W. Murphy of Platteville, Wisconsin, a volume of Harper's

Pictorial History of the Civil War. The sketches which appear in this volume were prepared originally by a Mr. Alex Simplot who identified in this volume the places shown in the illustrations.

The following persons have been appointed by Governor John Hammill to membership on the Board of Curators of the State Historical Society of Iowa for the biennium beginning July 1, 1926, and ending June 30, 1928: Mrs. Lillian Clark Cary, Dubuque; Mrs. Frank Cook, Marengo; Mrs. C. W. Britton, Sioux City; Mrs. H. H. Carter, Corydon; Mrs. W. L. Harding, Des Moines; Miss Merta Mitchell, Keokuk; Mr. Wm. G. Kerr, Grundy Center; Mr. C. F. Clark, Cedar Rapids; Mrs. Dorothy Houghton, Red Oak.

The following persons have recently been elected to membership in the Society: Dr. Grant Augustine, Council Bluffs, Iowa; Mr. J. F. Boeye, Mason City, Iowa; Mr. Warren N. Churchill, Burlington, Iowa; Mr. Ira H. Coyne, Davenport, Iowa; Mr. L. J. Derflinger, Cedar Rapids, Iowa; Mr. Wilmont F. Dunn, Boone, Iowa; Mr. R. R. Hufstader, Des Moines, Iowa; Dr. T. C. Hutchinson, Decorah, Iowa; Mr. C. F. Littell, Mt. Vernon, Iowa; Mr. C. K. Munns, Corning, Iowa; Mr. C. M. Stephens, Davenport, Iowa; Mr. Theodore H. Thomas, Cedar Rapids, Iowa; Mr. Charles Wright, Cedar Rapids, Iowa; Miss Mabel S. Young, Burlington, Iowa; Mr. P. S. Junkin, Fairfield, Iowa; Mr. James C. Murtagh, Waterloo, Iowa; Miss Dorothy Schaffter, Iowa City, Iowa; Mr. G. W. Thomas, Carroll, Iowa; Mr. Geo. S. Traey, Burlington, Iowa; Mr. Dwight E. Crawford, Gladbrook, Iowa; Mrs. John A. Greenlee, Riehland, Iowa; Mr. F. H. McCabe, Logan, Iowa; Dr. J. E. Roek, Davenport, Iowa; Mr. V. H. Warfield, Des Moines, Iowa; Mr. Chas. S. Worth, Des Moines, Iowa; Mr. Harry F. Evans, Davenport, Iowa; Mr. Francis E. Hess, Bedford, Iowa; Mr. Tom Keefe, Jr., Ottumwa, Iowa; and Mrs. R. J. Wylie, Eddyville, Iowa. Mr. Harry T. Hedges of Cedar Rapids, Iowa, has been enrolled as a life member the Society.

NOTES AND COMMENT

The Iowa Library Association held its thirty-sixth annual meeting at Iowa City on July 6-8, 1926. Among those on the program were Edwin Ford Piper, George B. Utley, and W. E. Piek.

The town of Rippey, Iowa, has a new memorial park, the donation of B. F. Osborn. This gift is in honor of the ex-service men and the park will be cared for by the Service Star Legion of Rippey.

The Iowa State Bar Association held its thirty-second annual meeting at Davenport on June 17 and 18, 1926. B. F. Swisher of Waterloo was elected president of the Association for the ensuing year and Clyde H. Doolittle of Des Moines was reelected secretary-treasurer.

The central section of the American Anthropological Association held its annual meeting at Columbus, Ohio, on May 14, 15, 16, 1926. Among the papers on the program was one on "Iowa Pottery Complex", by Charles Reuben Keyes of Mt. Vernon, Iowa. Dr. Keyes was chosen president of the section for the ensuing year.

The old settlers of Cedar County held their annual meeting at Tipton on Thursday, June 10, 1926. President C. S. Neiman gave a splendid address on pioneer life in Cedar County which was published in both the *Tipton Advertiser* and the *Tipton Conservative*. The principal address of the day was made by W. R. Boyd of Cedar Rapids. The following officers were elected: president, A. L. Safley; vice-president, Mrs. Laura Gray; secretary, H. F. Franco; treasurer, D. L. Diehl.

On June 12, 1926, a commemorative service was held on the campus of the Iowa State College at Ames. Two markers were dedicated at this meeting — one on the site of the tavern on the old pioneer trail at this place and the second on the spot where the celebration of the Fourth of July occurred in 1859. More unusual

was the dedication of a tablet in honor of Dr. William T. Hornaday, Director of the New York Zoological Park, who came to Iowa in 1857 and entered Iowa State College as a student in 1872. This memorial was sponsored by the Iowa Conservation Association. Remarks by Mrs. L. B. Schmidt and an address by L. H. Pammel concerning the life and work of Dr. Hornaday were features of the program.

According to a bill introduced in the House by Representative F. Dickinson Letts, which was passed by the House on May 3, 1926, and by the Senate on May 21st, the papers in the various land offices are to be turned over to States when ever an office is closed. The notes and plats concerning the surveys within a State are likewise to become a part of the State archives when a public survey office is closed. Such papers, however, are not to be turned over to a State until proper provision is made by law for their keeping and for the free access to them by authorities of the United States.

The American School of Wild Life Protection will hold its eighth annual session at McGregor, August 1 to 13, 1926. In addition to an attractive array of courses in various phases of outdoor life, Dr. C. R. Keyes of Cornell College, now engaged in an archeological survey of Iowa for the State Historical Society, will lecture on archeology; Dr. M. R. Gilmore of the Museum of the American Indian, will offer Indian Lore; and Mr. Edgar R. Harlan of the Historical, Memorial and Art Department of Iowa will present Iowa history. Mr. Bruce E. Mahan, Associate Editor of the State Historical Society, will give an address on "Old Fort Crawford" at one of the meetings.

The Fourth Commonwealth Conference held at the State University of Iowa June 28-30, 1926, brought many experts in government as well as men and women prominent in public affairs to Iowa City, and attracted nationwide attention. Several metropolitan dailies such as the *Chicago Tribune* and the *Des Moines Register* had staff correspondents on hand to cover the conference; while news agencies such as the Associated Press, the United Press,

and the International News delegated special correspondents to report the meeting. Dr. Benj. F. Shambaugh, Superintendent of the State Historical Society of Iowa and head of the Political Science Department in the University, presided at the round table sessions. "Systems of Local Self-Government", "Problems of Local Self-Government", "The Commonwealth as a Unit of Local Self-Government", "The County as a Unit of Local Self-Government", and "The Municipality as a Unit of Local Self-Government" were topics discussed at the round table meetings. Dr. Arnold B. Hall, president-elect of the University of Oregon, and Dr. Charles A. Beard, president of the American Political Science Association, gave the formal addresses at the Conference.

CONTRIBUTORS

HENRY ARNOLD BENNETT, Instructor in the Department of History and Government of the State Normal School of Buffalo, N. Y. Born at Hartland, Connecticut, on March 13, 1896. Graduated from Wesleyan University and received the M. A. degree from the State University of Iowa in 1925. Did graduate work at Bates College, Brown University, and Harvard University. Between 1919 and 1924 served as instructor or principal in New England high schools.

EARLE DUDLEY ROSS, Associate Professor of History at Iowa State College. Born at Ross Hill, Tioga County, New York, on December 20, 1885. Received the Ph. B. degree from Syracuse University in 1909, the M. A. degree from Cornell University in 1912, and the Ph. D. degree from the State University of Wisconsin in 1915. Author of various articles in educational and historical journals, joint editor, with Professor L. B. Schmidt, of *Readings in the Economic History of American Agriculture*, and associate editor of *Social Science*.

THE STATE HISTORICAL SOCIETY OF IOWA

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LOCATED AT IOWA CITY IOWA

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MANAGING A CAMPAIGN

AN ACCOUNT OF THE GOOD ROADS CAMPAIGN IN JOHNSON COUNTY IOWA

[The following article is a contemporary account of one of the outstanding local campaigns in Iowa on the question of roads in 1926. In addition to its value as contemporary history, it illustrates the effectiveness of education, advertising, and psychology as factors in the successful management of a campaign. — The Editor.]

On February 9th, 1926, the people of Johnson County, Iowa, voted in favor of a good roads project that had been submitted to them by the county board of supervisors. In several important respects this election was very significant. Although the project was a very ambitious and expensive one, the vote in favor of it was over-whelming. Every precinct in the county returned a majority in favor of the project except one, and in that one precinct the margin of votes against the proposition was very small.¹ Furthermore, this was the first time that an election had occurred on a good roads project since the Forty-first General Assembly, in 1925, had enacted some new law on the subject.

If the question submitted to the electorate had involved only a small sum of money, or if it had involved a policy that was not particularly controversial, or if the history of similar elections in other counties had indicated that such a victory was at all probable, the results of the election on February 9th would not have been particularly worthy of comment. But since the question involved the expenditure of more than four and one-half million dollars,² and since

¹ See election returns in the *Proceedings of the Board of Supervisors, Johnson County*, 1926. p. 29.

² *Proceedings of the Board of Supervisors, Johnson County*, 1926, pp. 23, 24.

it had to do with matters of policy that have been the subject of bitter controversy in this State for many years, one can not help but wonder how it happened.

The student of politics knows perfectly well that such things do not happen accidentally. American electorates do not turn out in overwhelming numbers and vote in favor of expensive projects unless they have been most effectively stimulated, and convinced. Important questions are not infrequently carried at elections where only a very small proportion of the voters attend the polls, and in such cases a determined minority is able to win the day. But that was not the situation here. The vote was exceedingly large, there were no other questions to bring the voters out, and the attitude of the electorate was unmistakable. Naturally, the observer's mind turns at once to the nature of the campaign that preceded this election.

Campaigns, like advertising, can not be evaluated with scientific accuracy. The merchant can only guess just how much business has been brought to his counters by one particular advertisement. The student of politics can but guess just what effect a campaign has had upon a particular election. But in both cases there are plenty of signs that are convincing to the careful observer. As to the case in question there is probably no one who would deny that the vigorous campaign which was conducted in support of this good roads project very profoundly affected the results on election day. No one can say with anything like well founded confidence that the project would have failed if it had not been for the campaign. One can not even be sure that the large proportion in favor of it would not have been the same. But at least it is safe to assert that the vote would not have been nearly so large, and thus so clearly indicative of the judgment of the people on this question. Hence the campaign assumes very significant proportions.

Campaigns do not run themselves. Somebody must start them, either deliberately or unconsciously. Much work must be done. Money must be raised. Somebody must write up the publicity. Somebody must prepare advertisements for the newspapers, and spend many hours writing articles for their columns. Somebody must design posters and folders, and have them printed. Somebody must do the tiresome work of addressing mail matter and affixing stamps — homely drudgery, much of it. Interested persons must do this work themselves, or hire somebody else to do it. Persons must be asked to give speeches. The time and the place must be selected by somebody who gives careful thought to the matter. Efforts must be made to get a good attendance at publicity meetings. Transportation must be provided for those who are to go. Possibly the speaker does not prepare his own address — somebody does the work of preparing it for him. Many hours of labor must be devoted to gathering information that publicity matter may be prepared intelligently. Reports, records, lists, voluminous minutiae, and quantities of correspondence pile up before the campaign manager. It will be of interest to discover how the Johnson County good roads campaign was carried on, for some one must have done a lot of work.

To ask the question, who started the campaign, is much like asking the question, who started the World War? There are many answers, none of which can be proved to be correct or incorrect. But if any one person is to be credited with having started the Johnson County campaign, probably that person should be the county engineer, G. M. Griffith.

This might be expected. To be sure it is not the engineer's function to determine highway policies for the county; that is clearly the function of the county board of super-

visors, subject to certain legal restrictions such as grow out of popular referenda and the supervisory power of the State Highway Commission. The county engineer has no authoritative voice in the determination of policies. He is, however, in much closer touch with road problems than any other person, and he ought to have many very definite opinions with regard to road policies, else he would not be a proper person for the office that he holds.

In Iowa the county engineer is appointed and employed by the county board of supervisors. His compensation is fixed by them, and he does his work subject to their control.³

The Forty-first General Assembly, in the spring of 1925, passed some new highway legislation,⁴ and it was quite natural that the county engineer should have been one of the first individuals to see the possibilities of highway improvement under this legislation.

It was entirely possible, and it would have been altogether proper, for the members of the county board of supervisors to have called the attention of the community to the new possibilities under the recent highway legislation, to have proposed a definite project, and to have launched a vigorous campaign in support of it. But although it was entirely within their province to do this, and although they were unanimously in hearty accord with the project which subsequently developed, they did not deem it wise that the proposal should come from them.

The traditions of local self-government are very deeply rooted in the political experience of the American people. Local self-government implies the right of the people, in a small area, to determine policies for themselves, to tax themselves for the fulfillment of a policy upon which they have decided, and to have the policy administered through

³ *Code of 1924*, Sec. 4641.

⁴ *Laws of Iowa*, 1925, Chs. 109-114.

officials of their own choosing. The more closely this ideal can be approached the nearer people have come to the realization of local self-government. There are wide differences of opinion among students of government as to whether local self-government is desirable, or even truly democratic, in the broadest sense. But this particular type of local self-government has been associated with the democratic tradition in America for three hundred years.⁵

Thus the Johnson County supervisors, in waiting for the people to initiate a road program that called for very large expenditures, were either consciously or unconsciously deferring to the democratic tradition in connection with local self-government. In a word, the supervisors were of the opinion that if an extremely ambitious and expensive road program were to be launched, it should emanate from the people and not from them.

But who are the people? Everybody! What is everybody's business is nobody's business. If "the people" were to initiate a definite program some particular individual or group would have to start the movement.

There were plenty of people in Johnson County who were in favor of good roads. The county engineer knew some of them personally. He had heard them loudly insisting that Johnson County ought to get out of the mud at the earliest opportunity. In very definite terms he suggested to particular individuals that now was the time to start. That is the way such a campaign begins. And if the right individuals are approached the campaign will go forward.

To be specific, one afternoon in August, 1925, Mr. Griffith, the county engineer, was in the office of Mr. H. J. Dane, a coal dealer in Iowa City. Mr. Griffith pointed out that the Johnson County primary roads were practically all graded,

⁵ Porter's *County and Township Government in the United States*, pp. 16, 17.

drained, and bridged — ready for surfacing of some kind; that the board of supervisors were all friendly to an extensive project, but were not willing to launch it themselves; and that the proper way to get a project going would be to have a petition signed by the prescribed number of voters, requesting the supervisors to submit a road project to a vote of the people.

Mr. Dane who was on the good roads committee of the Kiwanis Club and also of the Chamber of Commerce, thought it would be quite possible to get a campaign under way. After his talk with Mr. Griffith, he went to see Mr. Lee Nagle, a lumber dealer of Iowa City and a member of the Rotary Club. Mr. Nagle agreed to assist in getting things started. Mr. Dane and Mr. Nagle then decided to have a dinner to which representative farmers of the county should be invited. They did this at their own expense, but later were reimbursed out of funds that were raised by the Johnson County Good Roads Association. The dinner was given at the Red Ball Inn, in Iowa City, on Monday evening, August 31, 1925.⁶ About forty persons had been invited to the dinner, but on account of the rain only twelve came in addition to Mr. Dane and Mr. Nagle. Ralph White had been invited as a representative of the Lions Club. The eleven farmers present were: Robert Breese, East Lucas Township; Geo. Clearman, Oxford; E. G. Cotter, Oxford Township; Morgan W. Davis, West Lucas Township; Wm. Hastings, Union Township; Sam Hunter, Scott Township; Ed. Koser, Coralville; Ivan Maas, Sharon Township; Joe Pechman, Lincoln Township; Everette Williams, West Lucas Township; and R. M. Work, Penn Township.⁷

⁶ See the minutes of the meeting, dated September 1, 1925, in the files of the State Historical Society of Iowa.

⁷ See the minutes of the meeting, dated September 1, 1925, in the files of the State Historical Society of Iowa.

The entire proceeding had been carefully planned by Mr. Dane and Mr. Nagle, and according to manuscript minutes of the meeting this is what followed the dinner:

After considerable discussion of the present situation and the advisability of action at this time, it appeared to be the concensus of opinion of those present that they should associate themselves into a committee representative of Johnson County as a whole, and in order to effect a permanent organization, nominations for chairman were called. It was moved and seconded that the chairman should be Mr. M. W. Davis. A motion was put by Mr. Nagle and carried unanimously.

It was moved and seconded that the secretary should be H. J. Dane. The motion was put and carried unanimously.

It was moved and seconded that the chairman appoint a committee of three to fill out the organization of this central committee by adding to it one from each unrepresented town and village in Johnson County. This motion was carried and the chairman appointed a committee consisting of R. M. Work, Penn Township, Ed. Koser, Coralville, and Sam Hunter, Scott Township.

It was the opinion of those present that an effort should be made at once to obtain signers to a petition asking the Board of County Commissioners to submit to the people at the earliest possible moment a program for hard surfacing the main roads of this county. It was moved and seconded that a committee of three be appointed to word the petition to be circulated and to have copies thereof mimeographed ready for distribution at the next meeting. The motion was carried and the chairman appointed on that committee, Lee Nagle, Robert Breese and Joe Pechman.

It was moved, seconded, and carried that the next meeting of those present, plus the members to be added from the missing townships and villages, should be held in the assembly room at the Court House, Tuesday, September 8th, at 7:30 P. M.⁸

In the minds of those who had promoted the movement thus far the matter of selecting a suitable chairman was very important. No matter how many people might be

⁸ See the minutes of the meeting, dated September 1, 1925, in the files of the State Historical Society of Iowa.

connected with the campaign, the man denominated "chairman" would be in the public eye. His name would appear on much of the publicity matter, and the newspapers undoubtedly would refer to him very frequently as the leader in the movement, so it was well to get a man whose name would be effective for campaign purposes.

It was considered most unwise to select a resident of Iowa City, the principal municipality within the county. The reasons for this may have been sound or they may not. It was confidently believed that urban voters would support a project just as readily if a farmer were the leader, whereas many rural voters would be prejudiced against the project if a city man was the leader. This may not have been true, but the men who had promoted the movement thus far certainly thought it was true, and hence they turned their attention to the problem of selecting a suitable farmer.

They wanted a farmer who owned a considerable amount of farm land and lived on his farm. And they wanted a man whose farm was located in such a place that he would have to pay proportionately as much in assessments and increased taxes as anybody would have to pay. And furthermore they wanted a man who stood well in his community, who had personal influence, and was well liked. The man they selected was Mr. Morgan W. Davis, who, in addition to fulfilling the requirements set forth above, was a director of the Johnson County Savings Bank in Iowa City. Mr. Davis was loath to assume the position; he was heartily in favor of the movement but was unwilling to undertake the responsibility for conducting the campaign. Being assured that others would give him very material aid in this respect, he permitted his name to stand as chairman of a good roads committee.

With this exceedingly meagre organization, the persons named above, assisted by the county engineer, drew up a

petition which was to be circulated throughout the county. The petition read as follows :

P E T I T I O N

TO THE HONORABLE BOARD OF SUPERVISORS OF JOHNSON COUNTY,
IOWA :

Whereas it appears that the improvement of the Primary and County Road Systems of Johnson County by suitable surfacing cannot be accomplished in a reasonable length of time by the funds available from year to year and,

Whereas it is our understanding that the Primary Road System of Johnson County is practically built to grade and ready for surfacing and,

Whereas Chapter 242 of the 1924 Code of Iowa provides for the more rapid improvement of the Primary and County Road Systems by issuing bonds against the funds available from year to year.

Therefore we the undersigned landowners, taxpayers and qualified electors of Johnson County, Iowa, do hereby petition your honorable body to propose a comprehensive program for the improvement of the Primary and County Roads of Johnson County in accordance with the provisions of Chapter 242 of the 1924 Code of Iowa and submit same to the voters of Johnson County at as early date as practicable.

Respectfully submitted,

<i>Name</i>	<i>Address — Voting Precinct</i>	<i>Date</i> ⁹
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It is to be observed that the petition is couched in very general terms. It does not undertake to outline a program or to make specific suggestions. It merely asks the supervisors "to propose a comprehensive program for the improvement of the Primary and County Roads", something they had ample power to do anyhow, but did not care to do until a petition had been filed with them. Section 4757, Chapter 242, of the *Code of 1924* provides for the petition

⁹ See copy of the petition, in the files of the State Historical Society of Iowa.

process, stating that the supervisors "may" submit a project to the people for a vote, but when petitioned to do so by ten per cent of the voters in the county they "shall" submit such a proposal.

There was no great difficulty in getting people to sign such a petition. It did not raise controversial questions as to what roads should be improved, how they should be improved, how many miles should be included, or how the program should be financed. Nevertheless it was no small task to circulate copies of the petition.

The committeemen selected at the dinner of August 31st went to work immediately. They wrote letters to various individuals asking them to circulate petitions in their communities. In a form letter, prepared for this purpose, under date of September 5th, a brief account is given of the dinner and the subsequent proceedings. Although the signatures of only 10 per cent of the voters were needed, this letter expresses the hope that 50 per cent could be secured. A meeting is announced for the following Tuesday night, September 8th, in the courthouse. This letter was signed by R. M. Work, Ed. Koser, and Sam Hunter.¹⁰

The meeting to which this letter refers did not turn out well. The men from the country districts did not appear because of heavy rains and the impassable conditions of the roads. Mr. Davis, signing himself chairman of the County Central Good Roads Committee, then sent out a letter under date of September 10th, calling another meeting for Saturday night, September 12th. It was stated that the county engineer would be present to discuss the cost of surfacing the main roads of the county.¹¹

¹⁰ See letter, dated September 5, 1925, in the files of the State Historical Society of Iowa.

¹¹ See letter, dated September 10, 1925, in the files of the State Historical Society of Iowa.

But once again the rains defeated the plans for a meeting. Altogether, five different dates were set for meetings, and every time it rained. In the meantime efforts were made to stimulate the workers out in the townships by means of letters, telephone calls, and occasional visits. Some of them worked energetically, others did nothing; and the very bad weather proved to be a most serious handicap to everybody.

Letters sent out over the signature of Mr. Davis on September 28th contain some illuminating comments:

The weather seems against us. The roads were so bad last Saturday night that only three or four came in to the meeting at the Court House.¹²

Scott Township has over 200 signers and reported that 98% of those called upon signed the petition. Other townships ran somewhat lower, but none lower than 87%.¹³

We found one thing true. Some of the men who have been out with the petitions have not had the women sign Any person in the county eligible to vote is eligible to sign this petition, so be sure to have the wife, hired man, and the grandfather sign as well as the man actually operating the farm.¹⁴

In these letters a final meeting was called for Friday evening, October 2nd, at which all the petitions were to be turned in. But this was not to be for rain again interfered with the plans. And finally the workers were called upon to send in their petitions by mail before October 15th, if they could not come in person to the meeting on that date.

When the petitions were turned in it was found that more than eight hundred signatures had been secured. The law requires that ten per cent of the voters in the county are

¹² See letters, dated September 28, 1925, in the files of the State Historical Society of Iowa.

¹³ See letters, dated September 28, 1925, in the files of the State Historical Society of Iowa.

¹⁴ See letters, dated September 28, 1925, in the files of the State Historical Society of Iowa.

needed on such a petition,¹⁵ and this meant that another five hundred would have to be secured. It was disappointing to the workers who now found themselves under the necessity of getting the remainder of the signatures in Iowa City, for the plan had been to get them all in the rural districts. The law does not require that any proportion of signatures shall be secured from any particular area, but every effort was being made to have it appear that the entire movement emanated from the rural voters.

However the roads had been so bad that workers had been seriously impeded. There were no indications that the roads would improve, and time was passing. So it was decided to fill out the petitions in Iowa City, and this was accomplished in a very short time.

The petition was filed with the county board of supervisors on November 21, 1925, and came before them at their next meeting.¹⁶

There was nothing further for the workers to do until the board should act on the petition, and submit a specific project to a vote of the people. It is to be understood that the board was entirely free in this matter; the petition in no way restricted the board as to the sort of proposal that should be made. Indeed the board could have submitted a proposal without the petition. But the petition was what they wanted. They immediately went into consultation with the engineer for the purpose of working out details. He was instructed to prepare definite plans, and did so.

On December 23rd the board was ready with a specific project which could be submitted to the people.¹⁷ The law requires that a public hearing shall be held on such projects, and it is the duty of the board to fix a date for such hear-

¹⁵ *Code of 1924*, Sec. 47-57.

¹⁶ *Proceedings of the Board of Supervisors, Johnson County*, 1926, p. 18.

¹⁷ *Proceedings of the Board of Supervisors, Johnson County*, 1926, pp. 18, 20.

ing.¹⁸ The board fixed upon the morning of January 12, 1926, as the time for this public hearing.¹⁹

The Good Roads Committee was of course keenly alive to these developments. They called a meeting of their committee and all who had been associated with them in securing the signatures for Saturday afternoon, the day after Christmas. The purpose of this meeting was to reorganize on a firmer basis, and to consider plans for the immediate future.

About forty people were present at this meeting, most of them farmers who had been active with the petitions. It was proposed to organize a body that would be known as the Johnson County Good Roads Association. Mr. Morgan W. Davis was elected president, Mr. H. J. Dane, vice president, Mr. W. L. Casey, secretary, and Mr. J. W. Dwyer, treasurer. All were prominent farmers except Mr. Dane. It was proposed that these four should select an executive member, thereby bringing into existence an executive committee that would supervise the work of the Good Roads Association. Mr. Charles M. Dutcher, an attorney in Iowa City and a former member of the Iowa Senate, was promptly selected.²⁰

After some desultory discussion the Good Roads Association adjourned, leaving the executive committee to proceed with the plans. The executive committee decided to hold meetings every Saturday night, and to invite the county engineer to attend these meetings.

During the first week of January the newspapers gave plenty of publicity to the public hearing that was to occur on January 12, 1926. But there is very little in this publicity to indicate that a vigorous campaign was to be

¹⁸ *Code of 1924*, Sec. 4759.

¹⁹ *Proceeding of the Board of Supervisors, Johnson County*, 1926, p. 20.

²⁰ *Iowa Official Register*, 1925-1926, p. 60.

launched. The members of the executive committee of the Good Roads Association were bending their energies to make sure of a favorable reaction at the hearing. It was unnecessary to do any campaigning or to publish statements in the newspapers. Indeed, it was not at all necessary that there should be a large attendance at the hearing.

These hearings provided for in the Iowa law are very informal. The law declares that they shall occur, and that the supervisors shall appoint the time,²¹ but nothing is said about the organization of such meetings, how they shall proceed, what shall be done, or what the effects of any action they take shall be. It is entirely within the range of possibilities that nobody would appear at such a hearing. But that need have no bearing on subsequent procedure. It is entirely possible that no resolutions would be passed and no votes taken at such meetings. Resolutions either hostile or favorable to the project in hand may be passed, but these meetings have no authority whatever, and their action, or lack of action, has no legal effect upon the subsequent actions of the supervisors. The whole purpose of having these meetings is to afford an opportunity for any resident of the county to appear and speak his sentiments in public, and to ask question of the supervisors who may be there. And it is supposed that the supervisors will be guided in their subsequent actions by what takes place at the hearing.

After such a hearing it is within the competence of the board to submit the proposition exactly as it was, to amend it in the light of criticism that may have developed at the hearing, or to prepare and submit an entirely different project. It appears that a board is not competent to abandon the entire matter, for the statute declares that after a petition has been filed the board "shall" submit a project.²²

²¹ *Code of 1924*, Sec. 4759.

²² *Code of 1924*, Sec. 4757.

These considerations seem to reduce the public hearing to a matter of small consequence. Yet the significance of a favorable reaction is not to be ignored. When the hearing occurred on the morning of January 12th, the good roads advocates were there, and were prepared to defend their program. Estimates vary as to the number present, the lowest estimate being about two hundred and the highest estimate three hundred. Doubtless more than half of those present were farmers. The members of the board of supervisors—R. P. Jones, Geo. Ranshaw, Geo. E. Zeushek, D. J. Peters, and J. W. Carey—were there, and Mr. Jones, the chairman of the board, opened the meeting, and presided at the session.

The principal speaker was the county engineer, and his chief contribution was to explain the suggested project in some detail, and to defend the various features of it. Inasmuch as he had been largely responsible for the preparation of the plans he was able to explain them most effectively.

Some questions were asked and some objections were voiced to certain features of the plan, which called for hard surfacing the primary roads to a certain extent. Mr. J. J. Murphy, a prominent farmer, spoke vigorously against this feature. He contended that this work should be left entirely to the State and the State Highway Commission. In answer to this it was declared that if the matter were left to the State the primary roads would only be graveled, not paved. This was what Mr. Murphy thought ought to be done. There was some desultory discussion on other points. Most of the questions aimed only to secure more information, which was promptly given by the engineer and others.

One of the high spots in the meeting may be said to have been the comments in defense of the program by Mr. Casey, a member of the Good Roads Committee, who gave voice to an argument that had been developed in the committee

meetings and was to be used with great effect in the campaign. He said that if this program were not put into effect, the State, within a few years, would gravel the primary roads. This improvement would be reasonably satisfactory to the people of cities and towns, and they could not then be counted upon to support any campaign for bonding the county to improve other roads, which were of great importance to the country people. Since the law now required that bonding projects should carry in the municipalities and the rural districts separately, the country people stood to find themselves left in the mud long after the primary roads were graveled.

Another feature of the meeting was a protest on the part of residents living along a certain county road, known as the Black Diamond Trail, or the Windham Road. These men very much desired that this road should be graveled from a point at its juncture with Primary Road No. 11, through the village of Windham, to the county line, a distance of about twelve miles. The proposed project did not include this and they wanted it to be included if possible. The engineer expressed regret that enough funds were not available to do everything that was wanted. It was because of this that the Windham Road was not included. Exhibiting rare good sportsmanship these farmers voiced no further objection to the plan, and actively supported it.

Before the meeting was over Mr. L. C. W. Clearman spoke in favor of the project as a representative farm owner; Mr. Dwyer spoke very effectively as the farm owner who would have the longest frontage on the paving; and Mr. Dane gave vigorous support to the project as a representative of Iowa City.

At the close of the meeting a rising vote was called for. All but about twelve or fifteen people rose in support of the proposal. No one rose in opposition.

The public hearing having been held, according to law, it was now in order for the supervisors to fix a date on which a vote might occur. And it was also time for the workers to get the real campaign under way.

On the evening of January 13th, there was a meeting of the Johnson County Good Roads Association and the public generally, held in the rooms of the Chamber of Commerce. Mr. Harry Breene of Iowa City, president of the Chamber of Commerce, presided at this meeting. The project was discussed at some length and it was decided that city workers, representative of the Chamber of Commerce, should associate themselves with the committee already functioning as the Johnson County Good Roads Association.

In the meantime the supervisors worked on their program in order to get it into proper shape to submit to the electorate. They finally got the details worked out to their satisfaction, thanks largely to the engineer; and the next step was to submit the plans to the State Highway Commission. Under the Iowa law it is not possible for a county to proceed with a program of improving the primary roads without getting the approval of the State Highway Commission.²³ But no difficulty was anticipated on this score; the Highway Commission was expected to be heartily in favor of the project, and this proved to be the case.²⁴

On January 20th, the county board of supervisors, sitting at Iowa City, were ready to submit their plan to the electorate and fix a day for the election.²⁵

One important addition to the program had been made since it had been presented at the public hearing. When the engineer got into conference with members of the State Highway Commission it was found that nine miles of the

²³ *Code of 1924*, Sec. 4758.

²⁴ *Proceedings of the Board of Supervisors, Johnson County*, 1926, p. 23.

²⁵ *Proceedings of the Board of Supervisors, Johnson County*, 1926, p. 23.

Windham Road, that is as far as the village of Windham, but not to the county line, could be included without exceeding the limit of bonded indebtedness. This was possible because the original finance program had failed to take into account that about one-half of the present outstanding indebtedness of the county would be retired before the close of the six-year period contemplated in the new program. This made possible the issuance of sufficient additional bonds to extend the project somewhat. The supervisors therefore amended the plans in such a way as to include graveling the Windham Road to the village of Windham. They had before them at the time a petition signed by 164 voters living along this road, asking that it be done.²⁶

Considerable discussion, formal and informal, was had with regard to the proper day for holding the special election. It was believed that it would be a mistake to wait until too near the first of March, because that is a date on which a good deal of moving is done in the country districts. New tenants take possession, leases are renewed, etc., and farmers would no doubt be much preoccupied at that time. Furthermore, the fact that taxes become delinquent on that date was not without its significance. On the other hand, it was desirable to leave as much time as possible for the active campaign. February 9th appeared to be the best compromise, and on January 20th the county board of supervisors formally submitted the project to the public and announced that a special election on the question would occur on February 9th.²⁷

The campaign then was on. Up to this time there had been comparatively little publicity concerning the matter. No efforts had been made to keep things dark; but publicity could have served but little purpose until a project had

²⁶ See petition, in the files of the county auditor of Johnson County.

²⁷ *Proceedings of the Board of Supervisors, Johnson County, 1926*, p. 23.

matured to such a point that the public would have a definite proposition to consider. The newspapers of the county, of which the *Iowa City Press-Citizen* is the most important, had chronicled the more important steps in the procedure up to January 20th as ordinary news, without giving the subject any particular emphasis. The *Press-Citizen* had briefly recorded the various meetings, the organization of committees, the circulation of the petitions, the meetings of the supervisors, the public hearing of January 12th, and subsequent developments. But now the time had come for something more than casual news stories.

An editorial in the *Press-Citizen* of January 16th appears to be the first vigorous and definite piece of propaganda supporting the project, a project which, it will be observed, had not, at this time, been passed upon by the Highway Commission or submitted to the electorate. The editorial policy of the *Press-Citizen* was consistently and heartily in favor of the project, and this editorial of January 16th definitely committed the paper to the proposed program in a way that promised more than merely friendly news stories about campaign activities. This attitude was of inestimable importance to those who were working for good roads. Mr. Merritt C. Speidel, the editor of the *Press-Citizen*, now became one of the most powerful supporters of the campaign, although he was not a committee member.

This editorial of January 16th strongly endorses the pending project. It refers to the plan as originating with the farmers, but declares that it has the hearty endorsement of civic leaders in Iowa City. It emphasises the fact that "politics", in its bad sense, is to play no part in the campaign, for no party issue is involved. This indeed proved to be a true prediction. And, finally, it emphasises the point that failure to pave the primary roads would yield nothing additional to be spent on secondary roads.

On January 21st the *Press-Citizen* announced that a blue print map of the road project, supplied by the county engineer, had been placed on exhibition in the window of the office. Comments friendly to the project followed the announcement.

But the first big gun of the active campaign was fired by the Johnson County Good Roads Association on January 22nd. On the evening of that day there appeared on the back page of the *Press-Citizen* a full page advertisement describing the project.

This advertisement is a masterpiece of publicity. Prepared by the officers of the Good Roads Association, particularly Mr. Dane and the county engineer, it is not argumentative, boastful, nor even enthusiastic. It is descriptive. Very tersely it sets forth exactly the information that people wanted. The statements made are certified by public officials. Although it is impossible to estimate accurately the importance of any particular piece of publicity, it would seem to be a reasonable assumption that this broadside focused a large measure of favorable public opinion upon the project. The advertisement had a subtle appeal that carried conviction. It is worth describing.

Across the top of the page in two inch letters is the heading, "Road Program", and just beneath it, "For Johnson County 1926-1946". Then follows the statement, "This Official Statement has been prepared to make public Authentic Information". Beneath this comes the heading, "Following Roads to be Surfaced in 6 years, 1926-1932". The rest of the advertisement is in comparatively small type. On the left side of the page there is a list of the roads to be improved, as follows: No. 7 — White Way Road — Concrete east-west through the county; No. 40 — Red Ball North — Concrete Iowa City to Linn County Line; No. 40 — Red Ball South — Gravel Iowa City to Washington

County Line; No. 11 — Kalona Road — Gravel Iowa City to Washington County Line; No. 74 — West Branch Road — Gravel Iowa City to Cedar County Line; No. 109 — Oxford North — Gravel Oxford north to No. 7.

The list of county roads to be graveled is: Sharon-Frytown-Wellman road; Black Diamond west to Windham; Lower Muscatine east to pavement; Lone Tree road with branch east toward Nichols and south to Columbus Junction; Hills east to Lone Tree road; Iowa City-Solon-Linn County line road; Newport-Morse east to county line; Amana road west from Red Ball through Madison Township; Oxford east to connect with No. 7; I. W. V. Iowa City west to county line.²⁸

Such a list was thoroughly intelligible to everybody. The roads were designated by their popular names as well as their technical numbers. The list could quickly be memorized by anybody who cared to do so, and hence the exact location and nature of improvements to be made became a matter of common knowledge.

On the right side of the page, opposite this list of roads, appeared a very briefly summarized statement of the proposed financial program. It was headed "21 Year Program". On the left, under the word "Cost", were listed the items of expense, as follows:²⁹

Primary Construction 6 years	.	.	.	\$1,573,496
Primary Maintenance 21 years	.	.	.	570,000
Primary Bond Interest	.	.	.	339,371
County Construction 6 years	.	.	.	953,972
County Maintenance 21 years	.	.	.	948,000
Road Certificates now out	.	.	.	20,000
				<hr/>
				\$4,692,212

²⁸ *Iowa City Press-Citizen*, January 22, 1926, p. 12.

²⁹ *Iowa City Press-Citizen*, January 22, 1926, p. 12.

In this statement there was a mistake. Anyone taking the trouble to add the figures to see if the footing was correct would have found a discrepancy of \$287,373 — a very considerable item. This was purely a mistake in making printer's copy for the advertisement. The item thus inadvertently omitted was for interest on the county bonds. This mistake occasioned much chagrin to those who prepared the copy, but it is doubtful if many people detected it; at least there was not enough comment about the matter to make it worth while to publish a correction. However, it was a pity that such an excellent piece of publicity should have been marred by such a simple error.

To balance these items of cost, there appeared opposite to them a list of the sources of income to meet the proposed expenditure. There were five such sources, as follows:³⁰

Road and Bridge Taxes	\$2,048,070
Auto License and Gas Tax	1,708,612
Special Assessments (paving)	161,960
Donation from the State	400,000
County Millage Tax, averaging 2.38 mills, 1930-1944	373,570
	<hr/>
	\$4,692,212

This outline of a financial program, boiled down to a dozen significant items, represented many weeks of painstaking, accurate work, chiefly on the part of the county engineer; and his figures had to be checked and approved by the State Highway Commission.

To the ordinary citizen the Iowa road laws are very complex. When he gets down to details with regard to financing a particular project he is hopelessly lost. Relative to the laws of other States, however, Iowa's laws are clear and simple enough. But the subject is necessarily complicated.

³⁰ *Iowa City Press-Citizen*, January 22, 1926, p. 12.

The highways of the State are divided into a primary and a secondary system, and further classified as county and township roads. The board of supervisors has broad power to initiate proposals for improvement, subject to the approval of the State Highway Commission and popular referendum under certain conditions. There are various sources of revenue for road improvement. Some money is given to the State by the Federal government and apportioned to the counties. The State must duplicate this sum and the entire amount is then distributed. License fees bring in a large amount, to be apportioned according to the law, and so does the gasoline tax. Then there are several special taxes, such as those for bridges and for county road improvement. And for paving there are special assessments. All these sources of revenue are carefully tied up and safeguarded, and can be used only in a way prescribed by law. Bond issues can be made by counties only under clearly defined circumstances.

It is, however, no purpose of this monograph to describe and interpret the Iowa highway legislation. That has already been done by Dr. Ivan L. Pollock in Chapter 13 of the volume entitled *County Government and Administration in Iowa*, published by the State Historical Society of Iowa in 1925 as Volume IV of the *Applied History Series*. This legislation had to be applied to the Johnson County problem by the supervisors and the engineer. After that work was done the Good Roads Association had to make the project intelligible to the public. It is this very important aspect of the campaign which it is the purpose of this monograph to discuss.

Returning then to the full page advertisement of January 22nd, there will be found some brief statements explaining the project. They appear in nine well balanced paragraphs, beneath the list of highways and the financial statement.

These statements very tersely convey exactly the information a voter would want to have. The statements are very clear and simple. They are not susceptible of various interpretations, and they do not burden the reader with unimportant details or facts which he could not understand without a lot of investigation.³¹

These statements point out that the outline printed above shows the total amount of money that will be available for Johnson County over a period of 21 years. The program embraces altogether 168.13 miles of road-work all to be finished within six years. It is explained that the figures show not only the cost of the work, but the cost of maintenance for the subsequent fifteen years, and retirement of all bonds within the same period. This was partly a matter of estimate; figures of that sort could not be strictly accurate, but the estimates were checked by State officers.

Then the advertisement explained that exactly the same roads could be improved in just the same way over a period of twenty years. The statements are so well made that some of them will be quoted in full:

The same roads can be built in 20 years if we pay as we go. To build the system in 6 years, the board is asking authority to issue bonds to the amount of \$1,453,012. These bonds will be paid off serially from the above funds. They run 15 years at 5% interest and are issued only as needed.

Special attention is called to the fact that if this program is defeated at the polls, February 9th, the people of this county will continue to pay the present taxes and there will be no known program for the expenditure of the funds.

There will be no increase in general taxation until 1930. From 1930 to 1944 the increase will average only 2.38 mills. On 160 acres of average land, the increase will be \$6.71 per year, — about 4c per acre.

No special assessments will be laid along gravel roads.

³¹ *Iowa City Press-Citizen*, January 22, 1926, p. 12.

The Iowa law requires that 12½% of the cost of paving be charged as a special assessment to adjacent property for 1½ miles on each side of the road. This will average less than \$2.00 per acre, is payable in 10 years or about 20c per acre per year.

66% of the land of the county and 83% of the people will be within 1½ miles of an all-weather road under the above plan.

The above figures indicate we will be able to spend over 4 million dollars on roads the next 21 years. By borrowing less than 1½ million, we can have the same roads in 6 years, repay the bonds out of current income, and enjoy the benefits of the road system for another 15 years.

If this system is not accepted at the polls February 9, the county will lose \$268,000 of the \$400,000 donated by the State. This money has been set aside for this county because this program is in exact harmony with the plans of Governor Hammill and the State Highway Commission.³²

Following these explanatory statements are two sentences in large black type carried across the entire page. They read: "The cost of this road program and the county revenues for 21 years have been checked and certified by the State Highway Commission", and "As soon as the voters ratify the action of the Board of Supervisors, the Board will be in a position to advertise for bids and construction work will be pushed vigorously."³³

Below this the names of the five supervisors are printed as having signed the statement — R. P. Jones, Geo. Ranshaw, Geo. E. Zenishek, D. J. Peters, and J. W. Carey. Then appears "O. K.", with the county engineer's name, G. M. Griffith; then "Valuations, revenues and millage O. K.", with the county auditor's name, Ed. Sulek; "Legal procedure O. K.", with the county attorney's name, Ed. O'Connor; "Construction, Maintenance and Interest O. K.", followed by "State Highway Commission".³⁴

³² *Iowa City Press-Citizen*, January 22, 1926, p. 12.

³³ *Iowa City Press-Citizen*, January 22, 1926, p. 12.

³⁴ *Iowa City Press-Citizen*, January 22, 1926, p. 12.

At the bottom of the page is the statement that this public notice had been printed for the Johnson County Board by the Johnson County Good Roads Committee, the names of Morgan W. Davis, Wm. L. Casey, and John Dwyer appearing as chairman, secretary, and treasurer respectively.³⁵

In reviewing this formidable advertisement it may be noted that in addition to being remarkably well arranged on the page, and well located, it accomplishes the following purposes. It lists the roads to be improved and indicates the nature of the improvement. It outlines the financial program. It compares the proposed scheme with the possibility of doing the same thing without borrowing money. It points out that there will be no other program in contemplation if this one is defeated. It points out that there will be no increase in taxes until 1930. It very cleverly explains the increase in taxes that will then come, in terms of so many dollars per year on a typical 160 acre farm. It gives emphasis to the fact that no special assessments can be levied against any but paved roads. It makes clear the fact that Iowa law requires 12½% of a paving project to be paid by special assessments. It interprets this assessment in dollars per acre. It very strikingly shows the proximity of the land and the people to the roads within the program. It points out that \$268,000 of State money will be lost to the county if the project does not carry. It very effectively cites the authority and approval of the most significant public officials. And it clearly states the source of the advertisement and names those who are responsible for it.

Following this broadside of January 22nd the publicity campaign was started in earnest. Only three more full page advertisements were used in the *Press-Citizen*, but there were numerous smaller ones printed in this paper and

³⁵ *Iowa City Press-Citizen*, January 22, 1926, p. 12.

in the other newspapers of the county. By far the most important of these smaller advertisements were a series of eight, and a map, that appeared on successive days in the *Press-Citizen*, beginning on January 26th. They were very carefully prepared by Mr. Dane and undertook to explain particular points that were not altogether clear to the voters. They averaged about six by ten inches in size. It is to be observed that these advertisements did not waste valuable space with aimless bragging, high sounding slogans, and empty exhortations. Each went straight to the heart of some more or less troublesome question, and undertook to make it clear to the reader. It may be well briefly to survey this series.

Number one, which appeared on January 26th, is entitled, "No New Road Tax Until 1930". It makes a special point of the fact, brought out in the broadside of January 22nd, that there will be no increase in general taxes whatever until 1930. From 1930 to 1944, there will be a general increase in taxes averaging 2.38 mills per year. It then goes on to explain that as the average taxable value per acre in this county is \$17.63, the average taxable value of a 160 acre farm is \$2,420.80; and an increase of 2.38 mills on such a farm would amount to \$6.71 per year, or a little more than four cents per acre per year.

It further explains that in the incorporated towns of the county the small increase would mean about \$1.50 for a small house; \$3.00 per year for a medium sized house, and not over \$6.00 per year on the largest and most valuable houses in the county. This advertisement like those following, appeared over the name of the Johnson County Good Roads Committee.³⁶

The second in the series, on January 27th, is entitled, "Governor Hammill's Road Plan". It was generally

³⁶ *Iowa City Press-Citizen*, January 26, 1926, p. 3.

known that Governor Hammill and the State Highway Commission had a plan for improving the primary roads of the State that contemplated graveling instead of paving. This led many people to wonder if the Johnson County project did not meet with the approval of the Governor, for this project included some paving. This second advertisement made it very plain that far from being out of harmony with the Governor's plan, the Johnson County project so far met his approval that if it carried, the State would donate \$400,000 to the work instead of the \$132,000 contemplated in the State's original plan. In making this clear to the voters the advertisement emphasised the fact that the county would virtually lose \$268,000 if the project were not adopted. This, of course, was very effective.³⁷

The third of the series, on January 28th, is entitled "Special Assessments". This made it clear that no special assessments whatever would be levied except along paved roads. The law requires that when paving is done 12½ per cent of the cost of the project must be assessed against the property along the road for a mile and a half back from each side. The advertisement goes on to say:

As this paving cost averages \$30,000 a mile, the assessment will average \$3,750 per mile. There being 1920 acres in a zone three miles wide and a mile long, it is evident that the average assessment will be less than \$2 per acre Land outside of the 1½ mile zone pays no special assessment If a paved road passes a corner forty on two sides, there is only one assessment.³⁸

It was very important to make this clear to the voters.

The fourth in the series, on January 29th, is entitled, "Road Bonds". It may well be quoted in part:

At the present tax rates this county will receive for road work in

³⁷ *Iowa City Press-Citizen*, January 27, 1926, p. 3.

³⁸ *Iowa City Press-Citizen*, January 28, 1926, p. 2.

the next 21 years the sum of \$3,756,682 or an average of about \$180,000 a year. This amount will build some sort of system of roads in 21 years.

The Johnson County supervisors propose to add \$935,530 to this amount through a special paving assessment on land lying within $1\frac{1}{2}$ miles of No. 7 and No. 40 north, by a gift of \$400,000 from the State, and by a small tax levy from 1930 to 1944 making a total available about \$4,700,000.

By anticipating a portion of these funds, the proposed road system can be built in 6 years. The board proposes to borrow about 1-3 of the income by selling \$1,450,000 of county bonds as work progresses during the 6 years. These bonds will be repaid from the revenue as it comes into the treasury in due course, so that the only cost of getting the roads in 6 years instead of 21 is the interest on the bonds. This is offset by the saving in not having to spend \$350 per mile per year trying to make dirt roads usable.³⁹

The advertisement further refers to the financial plan used for building the courthouse and the jail, declaring that these buildings were finally paid for in 1909. This was significant because there was some talk to the effect that these buildings were not yet paid for.

In lieu of a fifth in the series, there appears on January 30th a large map illustrating the proposed system of improved roads. This map is described elsewhere in this monograph.⁴⁰

The sixth of the series, on February 1st, is entitled "Side Roads". The purpose of this is to explain a legal situation to those who were displeased at having all the main roads surfaced instead of some of the side roads. The advertisement explains that the law does not permit the county to extend its mileage of county roads until those already included in the county system are surfaced. Thus the only way to get the minor side roads improved, at State or county expense, is to surface the present county system

³⁹ *Iowa City Press-Citizen*, January 29, 1926, p. 12.

⁴⁰ *Iowa City Press-Citizen*, January 30, 1926, p. 2.

as soon as possible. It is further pointed out that townships have an average of \$6000 available each year for road purposes and that if the farmers would assist by hauling gravel, the townships themselves could do much by way of improving the side roads.⁴¹

The seventh of the series, on February 2nd, is entitled "Limited Expenditure". Here it is made clear that the supervisors are to be very narrowly restricted in the matter of spending the money they are to have. An estimate of the cost of improving each particular strip of road has been made. If the supervisors find that the estimate has been too low and that they can not get a bid within that sum, they will not be allowed to add to it. Nor can money saved on one piece of road be used to cover the deficit on another. If any money is saved on a particular piece of road that sum must go to reduce the amount that is to be raised by general taxes. Hence the supervisors are restricted to the estimates made in the project submitted to the voters.⁴²

The eighth of the series, on February 3rd, is entitled, "Two Road Systems". It read:

Primary and county roads are two separate and distinct systems each with its own funds and financing.

Money of one system cannot be spent on the other.

The plan of road improvement to be voted on next Tuesday includes every mile of primary road in the county and all of the county roads for which funds are available.

It was found that less than 40 miles of primary road could be paved if all the rest was to be graveled. This paving was allotted to No. 7 and No. 40 north as the roads carrying the heaviest traffic. From the state highway commission, the county is receiving \$400,000 to help finance this paving.⁴³

⁴¹ *Iowa City Press-Citizen*, February 1, 1926, p. 10.

⁴² *Iowa City Press-Citizen*, February 2, 1926, p. 12.

⁴³ *Iowa City Press-Citizen*, February 3, 1926, p. 6.

The advertisement then goes on to explain that if the primary roads were graveled instead of paved, the money saved thereby could not be used on county roads. Furthermore, the State would then donate only \$132,000 instead of \$400,000. On the other hand if no money were spent on the county roads, the amount thus saved could not be used on the primary roads.

The argument here involved is clinched by adding that if the project is not passed, the State itself will see that the primary roads are graveled, but the farmers will have to wait indefinitely for anything to be done on the county roads.

The ninth and last of the series, on February 4th, is entitled "Special Assessments". This article explains the method of assessing twelve and a half per cent of the cost of the paving against adjacent land for a distance of one and one-half miles back from the road, using the same terms that were used in the large advertisement of January 22nd. However, this specific illustration is cited to make the points clear:

A farm near North Liberty, for instance, fronting entirely on the road — that is, having pavement along one side of each forty — might be assessed some \$650 for 160 acres. This sum would be paid in 10 equal installments of \$65.00 per year. Such a farm would also pay the county millage tax of 2.38 from 1930 to 1944 amounting to about \$7.00 a year. Adding these, it will be seen that they total about \$750 over a period of 21 years — or an average of about \$35 per year.⁴⁴

Such publicity without a doubt was tremendously effective. No words were wasted. The nine advertisements explained just the points people wanted most to know about. They truly were educational — the finest kind of propaganda. Furthermore, such publicity can not be written un-

⁴⁴ *Iowa City Press-Citizen*, February 4, 1926, p. 4.

less somebody does a lot of serious work and drudgery. They are not the sort of stuff that can be dashed off by an enthusiast, sitting down to his desk on the spur of the moment. That is what makes them so much better than ordinary, off-hand, hurrah-boys publicity. The latter type may have its place, but the former should not be neglected. To write these advertisements someone had to study the law with great care, he had to know the proposed project in minutest detail, he had to spend much time and energy working out specific illustrations. Certainly he did his work well.

Beginning on February 4th, the date of the last in the series of nine, full page advertisements appeared on Thursday, Friday, and Saturday preceding election day. A smaller one, about four by eight inches, had appeared on January 29th. It was more like typical, off-hand publicity — but it had its place. It was entitled “Iowa City Wake Up”. And in ordinary type there followed:

The biggest proposition submitted to this county in 25 years will be decided at the polls Feb. 9. Shall we, or shall we not get Johnson County out of the mud?

The farmers started this movement and are behind it nearly to a man. If Iowa City votes against it, we will be two generations living down the stigma. We should, and we must, support this fine program.

Look up the old Press-Citizens and read the road ads. Read them tonight. Watch for the bulletins coming to your home. Get posted so you can talk intelligently to your country friends. They *know* about these things.

Then get out Feb. 9 — every man and woman who can vote — and vote “Yes.”

Johnson County Good Roads Committee.⁴⁵

The three full page advertisements of February 4th, 5th, and 6th are respectively entitled, “For Farmers Only”,

⁴⁵ *Iowa City Press-Citizen*, January 29, 1926, p. 7.

“What Do Folks Think?”, and “What is the Truth?” These may well be analysed.

The first one, “For Farmers Only,” has this to say:

A week ago it looked as though our road program would fail to carry in Iowa City. After a week of public meetings and a concentrated campaign, we believe most of the city folks are with us, and will vote for good roads.

Now we are afraid of the country. Roads are so bad that it is almost impossible to travel

Listen folks! Get this one thing straight!!⁴⁶

Then follows the formidable argument, used again and again in the rural districts — if the project should fail, the State would gravel the primary roads thus satisfying the city people, and thereafter it would be almost impossible to get city voters to favor bonding the county in order to improve the county roads. If any one argument stood out above all others in the campaign among the farmers this was it.

This argument may have confused some people, although it was always presented clearly and in good faith. From hearing it, one might get the impression that nothing could be done on county roads unless city people voted in favor of it. Of course this is not the case. Funds are available each year for improving county roads, and no referendum is necessary. But a referendum would be necessary in order to *issue bonds* for this purpose. That is the point of the argument.

After a few persuasive paragraphs the advertisement takes up in a most effective way a number of casual objections frequently heard.

This is no time to listen to false prophets and knockers who cannot speak nor write the truth.

Listen to them:

⁴⁶ *Iowa City Press-Citizen*, February 4, 1926, p. 3.

"It can't be done for that amount of money." Who knows best; the corner loafer or the county, district, and State engineers who are giving their lives to the road problems?

"I'm against paving. Gravel is good enough." The only roads being paved are those on which the traffic is so heavy that gravel will not stand up. Shall we go ahead in the face of knowledge of the mistakes others have made and make those same mistakes over?

"I want every road in the county surfaced." You bet, so do we Who ever heard of a railroad building branches before main lines?

"Taxes are heavy enough now." Absolutely right. Yet for 10 years past we have been dropping tax money into rut holes, smoothing roads over that were worse than ever a week later. Shall we continue wasting our money or adopt this plan ?

"Let the farmers pay for their own roads. They don't help me pave in front of my house." This is the voice of the selfish city man who cannot see a return to himself from a plan which will benefit the whole county. His numbers are few

"We are loading ourselves with debt." All bunk! Read the program! No road can cost more than the amount we vote on it.⁴⁷

Across the bottom of the page are typical appeals calculated to arouse enthusiasm. A special appeal to the women voters is not without interest.

Ladies—Remember you can vote! Do you want to go to town riding in straw in the bottom of a wagon? Do you want your children to be able to get home while they are in high school and university? Would you like to go to town once in a while between September and April?⁴⁸

The advertisement is sponsored by the Johnson County Good Roads Committee, the names of the chairman, secretary, and treasurer appearing on it. Another announcement urged everyone to "Read Our Ad Friday".⁴⁹

⁴⁷ *Iowa City Press-Citizen*, February 4, 1926, p. 3.

⁴⁸ *Iowa City Press-Citizen*, February 4, 1926, p. 3.

⁴⁹ *Iowa City Press-Citizen*, February 4, 1926, p. 3.

Friday's advertisement, on February 5th, is entitled, "What Do Folks Think?". It too covers nearly a full page. Under the title in large type is the question: "Is the Good Roads Plan Advocated by a Small Group or Has It the Support of Good Citizens in All Sections of the County?" Then comes in smaller type, "We have had Thousands of Opinions — Here Are Just a Few." And then nearly one hundred opinions are cited, for the most part in one brief sentence, following the name of the person who has expressed himself. These opinions are given in groups. The first group includes the Governor, the Chief Engineer of the State Highway Commission, the county supervisors, the county engineer, and the mayor of Iowa City. Of course the opinions are all favorable. The other groups represent different portions of the county, thus "From Lone Tree Way", "From the North End of the County", and "Along the East County Line". A group from Iowa City is also included. The names are those of people well known in their communities. The statements are brief and to the point: "Once we have them no man will go back to mud."; "Good Roads will benefit Everyone."; "This is a good program and should be supported."; "I spent hours circulating the petitions."; "Even the ducks are wearing boots. Vote 'yes'."; "People out our way want to see this through."; "I'll vote 'Yes' if I have to crawl to the polls."; "I have 110 acres on No. 7, I'm heartily in favor of this program."; "I will be three miles from gravel, but I'm for it."; "We started to town Saturday night and had to go back home. We are all for it."; "I'm on a side road, but after the main roads are finished we will get ours."; "I don't own a car and don't expect to but I'm for this." Two small groups represent neighboring counties where paving now exists. These people laud the good roads.⁵⁰

⁵⁰ *Iowa City Press-Citizen*, February 5, 1926, p. 12.

This page of opinions was compiled with rare judgment. The work was done by Mr. Dane and required a great deal of effort. First, the most important public officials stamp the program with approval. The sections represented are typical. And people in all the various situations relative to the program are shown to be in favor of it. Thus the man with a large acreage on the proposed paving, who will have a heavy assessment, is in favor of it. The man who is on the gravel favors it. The man who is three miles from any improved road favors it. The man whose business requires him to have several automobiles on the road every day favors it. The man with no automobile at all favors it. In the list of advocates are farmers, city business men, women, public officers, clergymen, and professors.

It should be observed that such a page could not have been prepared on the spur of the moment, in an off-hand way. Careful planning had to be done in order to make this advertising matter carry conviction to every sort of person. It is an excellent piece of publicity.

The following day, February 6th, was the last Saturday before election, and the full page advertisement that night was entitled, "What is the Truth?" It is devoted almost entirely to showing that certain arguments of the opposition are false, and are based on misinterpretation of the law, or ignorance. The first of these opposition arguments is found in the statement: "It is up to the State to maintain the primary roads. Take the money you are spending on State roads and gravel your county and township roads."⁵¹ This is answered by citing the law of Iowa to the effect that money can not be diverted from the primary roads to the county and township roads. Thus the argument is proven to be false, though it has a strong appeal.

⁵¹ *Iowa City Press-Citizen*, February 6, 1926, p. 12.

Another argument dealt with is that advocating that certain important township roads be added to the county system and improved before so much be spent on graveling and paving. Again the law is cited to show that the county system can not be extended until the roads in the existing system are surfaced.

Other statements had conveyed the idea that the county board could increase taxes at will in order to retire the bonds. This also is shown to be untrue.

It had been bruited about that if the program were approved, and it was found that the estimates were too low, the county board would have to raise more money in order to get the program across. It is shown in this reply that if the estimates prove to be too small, no more money can be raised, but the operations will have to be curtailed until they come within the sums authorized.

Some enthusiastic appeals follow these important explanations, and at the bottom of the page in large type is the slogan: "Vote Yes — Get Johnson County Out of the Mud."⁵²

A full page advertisement also appeared in the *Daily Iowan*, on February 7th; but it is not to be compared with the other four as regards either substance or careful preparation. Its purpose, however, was somewhat different. Appearing as it did just two days before the election, it was not intended to describe the program, but rather to remind and exhort the University people. Across the top of the page in very large type is the question, "Good Roads — Do You Want Them?" And following this came three points: "1. Be sure to Vote; 2. Vote 'Yes'; 3. Take your neighbor to the polls."

Near the bottom of the page is a heading: "Faculty Attention. Good Roads in all directions will mean as [so]

⁵² *Iowa City Press-Citizen*, February 6, 1926, p. 12.

much to the University and to you that you can not afford being indifferent. Get to the polls and vote 'yes' ". The committee bids farewell in the following statement: "This is the Johnson County Good Roads Committee signing off. We have done our best. It is up to you now. Good Bye and Good Luck."⁵³

In the rural papers are to be found advertisements of somewhat similar character, although they were by no means so carefully prepared, so comprehensive, or so thorough. They are full page advertisements and appear in the issues of January 28th as follows: The *Lone Tree Reporter*, supplement; the *Oxford Leader*, back page; and the *Solon Economist*, page two. On the front page of the *Oxford Leader* appears a map of the project.

So much for the newspaper advertisements! But in connection with them might be mentioned a cartoon carried in the *Press-Citizen* for February 4th, entitled "Ever Think About the 'Poor Roads' Tax?" It is published by courtesy of the *Chicago Daily Drovers' Journal*.⁵⁴ It is about six inches square, and represents a team of horses putting forth tremendous efforts to haul a heavy farm wagon through the mud. This cartoon was reproduced on a small card, on the back of which was printed "Vote 'Yes'. Let's Get Johnson County Out of the Mud."⁵⁵ These were widely distributed by the committee.

In addition to this, a label was printed on gummed paper. It is about eight inches square, and in very bright red and blue ink appears the statement "Vote 'Yes'!", and under it, in a circle, the words arranged to suggest a monogram, "Build Real Roads Right Now". At the bottom is "For Road Bond Issue, February 9th". This label

⁵³ *The Daily Iowan*, February 7, 1926, p. 3.

⁵⁴ *Iowa City Press-Citizen*, February 4, 1926, p. 1.

⁵⁵ See card, in the files of the State Historical Society of Iowa.

was intended to be pasted on the wind shields of automobiles. Ten thousand of these labels were provided by the Portland Cement Association from its branch office at Des Moines, Iowa, but Mr. Dane is of the opinion that not more than ten per cent of them were used on cars, because they were too large.⁵⁶

Most campaigns are characterised by great volumes of that sort of publicity, but in this campaign such typical campaign literature was almost negligible. The significant thing was that so little of it was used. The only other piece of publicity of this general character was a large poster, measuring about twenty-four by thirty inches. Three hundred of these were printed and posted about the city. This poster bore the legend in large type, "Vote Yes For Good Roads". Then came a smaller heading, "Six Year Road Improvement Program for Johnson County, Iowa", and beneath this was printed a map of the county showing the roads to be improved. Across the bottom was the statement, "Let's Get Out of the Mud."⁵⁷

In addition to all this publicity two very important folders were printed and sent out through the mails — folders that were most unusual in character, and no doubt very effective.

A mailing list of about 7800 names had been prepared. The postmasters in the county and a few outside, who controlled rural routes extending into Johnson County were asked to provide lists of box numbers on their rural routes. They did this and it is estimated that over ninety per cent of the people in the rural areas were on the mailing lists, for advertising matter was addressed to box numbers instead of to individuals.

⁵⁶ See gummed label, in the files of the State Historical Society of Iowa, with letter attached addressed to the Portland Cement Association.

⁵⁷ See poster, in the county engineer's office in Johnson County Courthouse.

Telephone directories and the county directory were used to get the names of people in the small towns. In Iowa City every house was listed and mail matter was sent to every house number, addressed to the householder.

The clerical work of mailing this literature was done largely by Miss Alma Miller, in Mr. Dane's office, and by a staff organized by the assistant secretary of the Chamber of Commerce, Miss Dorothy Sutton.

These folders measure about fifteen inches by eighteen inches and are folded once. It was then possible to fold them twice more and get them into standard envelopes for mailing purposes. The first one appeared within a week after the project had been submitted by the supervisors. The heading, arranged in well balanced type is as follows: "Authentic Information of the Johnson County Road Program proposed by the Board of Supervisors."⁵⁸ Then follows a statement that the bulletin has been prepared by the County Good Roads Committee, and the names of the officers — Mr. Davis, Mr. Casey, and Mr. Dwyer — are added.

Below this heading, in large, well-balanced type, are a few bits of very important information. These boiled down facts are the outstanding points in all the publicity, and tell the reader at a glance the principal things he wants to know. The statements may as well be quoted:

Miles to be Paved	38.05
Miles to be Graveled	130.08
<hr/>	
Total Miles Surfaced	168.13
Construction Period	6 years
Maintenance Period	21 years
85% of the People Within 1½ Miles of an All-Weather Road	
<hr/>	
Total Cost, 21 years	\$4,692,212

⁵⁸ See folder, in the files of the State Historical Society of Iowa.

NO NEW TAX UNTIL 1930

Thereafter until 1944, a small tax averaging 2.38 mills or \$6.71 per year on the average 160 Acre Farm.

Election Day⁵⁹ Tuesday, February 9

It is obvious that this summary of essential facts, made in large type, could hardly fail to carry the message to anyone who so much as glanced at the folder. That is why it was a good piece of publicity.

The back page of the folder is also put to excellent use. On it is a map of Johnson County, about nine inches square, which could hardly escape the attention of any person who picked up the folder.

On this map the roads to be improved are indicated in very broad black lines. The roads to be paved are marked with a solid line, those to be graveled with a broken line. Iowa City is approximately in the center of the map, a little to the east of the center, and one's immediate impression is of the hub of a wheel with many broad spokes running out from it. Nothing could more effectively emphasize the well-balanced character of the program. The "spokes" are almost symmetrical. Nearly every portion of the county is equally well supplied, the northeast corner township having the least accommodation. Nothing but such a map could so emphatically lend color to the statement often made that 85 per cent of the people in the county and 66 per cent of the land would be within 1½ miles of an all-weather road.⁶⁰

This map had been prepared by the county engineer, and a dozen large blue prints of it, several feet square were made from the original. During the campaign they were

⁵⁹ See folder, in the files of the State Historical Society of Iowa.

⁶⁰ See folder, in the files of the State Historical Society of Iowa.

exhibited in various store windows, and in the window of the *Press-Citizen* office. They were also used at the polling places on election day. Many reproductions were made in the newspapers and on folders. It conveys the impression that the program is well-balanced and fair.

Inside the folder is a lot of information. It is all printed in plain, uniform sized type. The simple heading is "Facts and Figures", and the material is presented under fifteen titles, numbered. They are as follows:

1. *Cost and Income*.—Here is to be found the same financial statement that appeared in the first large advertisement of January 22nd. Needless to say the error is corrected and the statement printed here includes the item of \$287,373 for county bond interest.

2. *Construction*.—This item describes the two kinds of surfacing. "This pavement will be a concrete slab 8 inches thick, 18 feet wide, reinforced with steel bars and expansion joint." "Gravel will be spread." . . . This sort of information was not stressed greatly in the campaign.

3. *Maintenance*.—It is pointed out that estimates cover 21 years of maintenance, which includes replacing gravel.

4. *Finance*.—Two paragraphs are devoted to describing the bond issue.

5. *Taxes*.—Here is described the special assessments and the increased taxes. The usual specific illustrations are presented.

6. *Two Systems*.—This item describes the primary and county systems, pointing out that funds can not be shifted arbitrarily.

7. *The State Donation*.—Here it is pointed out that the State Highway Commission has \$4,000,000 per year with which to aid counties in improving primary roads. The Commission had planned to apportion \$132,000 to Johnson County, but if the pending program is adopted the Commission will donate \$400,000.

8. *The Hammill Plan*.—Here it is shown that Governor Hammill and the Highway Commission look upon the Johnson County program as entirely in harmony with their plans for the rest of the State.

9. *Gravel or Pavement*.—"When a road has to carry 500 cars per day in wet weather or 800 cars per day in dry weather, it becomes impractical to maintain gravel because of the expense

and it is then cheaper to pave." This point is developed and applied to the roads of Johnson County in order to justify the program submitted.

10. *Cost of Dirt Roads.* — "It cost Johnson County an average of \$350 per mile to maintain the dirt roads last year. In the average year, there are 65 rainy days with roads too heavy for easy use during the rain and at least one day thereafter. For four months out of every twelve, our dirt roads are a nuisance."

11. *Savings Effected.* — Here the cost of maintaining the 7500 passenger cars and 2500 trucks in Johnson County on dirt roads and on good roads is estimated in such a way as to indicate the advantage of good roads.

12. *When Will Work Start?* — "The board is ready to go to work immediately after this proposal is ratified at the polls. One-sixth of the work will be done in 1926."

13. *Who Can Vote?* — This question is properly answered.

14. *A Majority Necessary.* — Here it is explained that a majority must vote for the project in the incorporated cities and towns, and in the rural districts separately. It is not, however, made clear that for purposes of counting ballots all the votes cast in all the cities and towns are counted as if they were all cast in one urban district. Thus if one town voted against the project the other towns could offset the defeat if their majorities in favor of it were big enough.

15. *Let's Get Out of the Mud.* — This heading is hardly appropriate to the information given under it, for here it is explained that although this program calls for an expenditure of \$4,692,212 in the course of 21 years, the county would have to spend \$3,756,682 on their roads anyway during that period. The difference is the extra cost of good roads.⁶¹

These fifteen items of information make this folder an excellent piece of publicity.

The second folder, sent out a week later, is very similar. The front page carries the slogan in display type "Vote 'Yes' at the Special Election, Tuesday, Feb. 9 for Good Roads. 138 miles surfaced highways. A road to every corner of the county. No additional tax until 1930. Let's get

⁶¹ See folder, in the files of the State Historical Society of Iowa.

out of the mud. Be sure to vote 'Yes'."⁶² The map does not appear on this folder. The rest of it is devoted to twenty-one specific questions and answers.

1. What will the road program cost and where does the money come from? The answer is the usual summary financial statement.

2. What assurance have we the cost will not exceed these figures? It is explained that the law will not permit spending any more than has been included in the estimate for each road.

3. Why not gravel the roads proposed to be paved and use the difference in cost to gravel other roads not on this program? It is explained at some length that the law will not permit this.

4. Where will we get the money for maintenance after they are built? The finance program embraces this cost for 21 years.

5. How can we build in 6 years if the money comes in during 21 years? It is shown how bonds can be used to anticipate income.

6. Why is the small tax not levied before 1930? It is shown that no deficit will occur until 1930.

7. What assurance have we that the millage tax will not average over 2.38? It is shown that since estimated expenditures cannot be exceeded, a 2.38 tax will cover these amounts. And if any savings are effected the tax will be less.

8. When can country roads not on this program be surfaced? It is estimated this can be started immediately after this program is completed.

9. What can be done for the farmer not located on a main road? A long paragraph is devoted to explaining what sums are available to the townships, and how much can be done with the money.

10. Does this ballot authorize the board to levy enough tax to pay off all the bonds? Can they tax us for \$1,453,000 instead of \$373,570? It is shown that this can not be done, that a tax can be levied only after all available funds have been exhausted.

11. Why is no surfacing provided for Cedar Township? Because there is no county or primary road in that township and no more roads can be added until the present ones are surfaced.

12. How do we get this \$400,000 from the State? It is explained that the Highway Commission has discretion in distributing the State funds and will do this much for Johnson County.

⁶² See folder, in the files of the State Historical Society of Iowa.

13. Why is land adjacent to the paving assessed? The State law on this point is explained.

14. What will this assessment cost? This is estimated.

15. What will this system of roads cost the man in town? This is estimated.

16. What is the saving in car cost operating over good roads? "The College of Agriculture at Ames has made an exhaustive study of this point over a period of 12 years and announces the following costs of operating motor vehicles:

Earth roads	12.6 cents per ton mile
Gravel roads	11.8 cents per ton mile
Paved roads	10.0 cents per ton mile

The average car with 3 passengers weighs $1\frac{1}{2}$ tons."

17. Where do we vote? This is explained, and the uses of the sick voter's ballot and the absent voter's ballot are commented upon.

18. How is the election decided? In answer, it is clearly explained that the towns and country districts must carry the project separately.

19. Has this county any bonds outstanding? "There are a few out for road work and some for the county home. The last court house bond was paid off in 1909 and since then there has been no levy for the court house except for maintenance."

20. What are other counties and States doing? A few significant developments are cited.

21. What does a good road save on hauling hogs? "40c per head."

At the end of this folder is the statement that it has been "prepared printed and circulated by the Johnson County Good Roads Committee". The usual names are appended.⁶³

This circular anticipated and met nearly all of the questions that the campaign workers ever encountered.

The publicity that has been described so far may be said to have been the real substance of the campaign. In the four large advertisements, the series of nine, and the two folders the committee had put about all they had to say. The material had been published and distributed very

⁶³ See folder, in the files of the State Historical Society of Iowa.

effectively. Other aspects of the campaign had largely to do with disseminating this basic information in other ways than by means of newspapers and pamphlets. Yet, it may well be repeated, these contained practically all the ammunition.

The speaking campaign was very important. There were at least four distinct angles to this part of the campaign: the rural meetings, the city meetings, the talks to private clubs, and the radio talks. The biggest and most important of these undertakings was the series of rural meetings. Folders and newspapers might come into the hands of country people and they would read such material, but they would also want to talk about it, to ask questions, and to hear the advocates of the program stand up in public and defend it against criticism. The printed page has not yet displaced the spoken word.

Immediately after the project had been submitted by the supervisors the committee got to work on the problem of organizing these rural meetings. A considerable number of volunteers were secured to do the speaking. Farmers, city business men, doctors, lawyers, and university professors were on the list. The informal records of the committee workers show that at least forty different individuals gave prepared talks on the subject to rural audiences.⁶⁴ Individuals were also asked to furnish transportation in their automobiles. This was no trifling matter. The time was mid-winter. The weather was very treacherous, alternately very cold and then rainy. There was considerable snow. The roads were nearly impassable, "not even jack-assable", as the speakers were fond of saying. There were very deep ruts that menaced any car that traversed them, and when it thawed the danger of getting stuck was very

⁶⁴ See schedule of road meetings, in the files of the State Historical Society of Iowa.

great. The meetings had to be held at night, and the distances from Iowa City were from five to twenty miles.

Notwithstanding these formidable obstacles the committee went ahead with its program for rural meetings. Between thirty-five and forty individuals promised to speak to at least one meeting. Several individuals spoke at a good many meetings. The problem facing the committee was to make a program, and to decide when and where the meetings should be held and who should go. There was a great deal of annoying work to be done in this connection. Arrangements had to be made to secure places for the meetings, usually schoolhouses and auditoriums. Correspondence and the rural telephone had to be relied upon. Efforts were made to get trustworthy persons in each community where a meeting was to be held to make the local arrangements. Then came many hours of telephoning and much personal visiting in order to get groups of men to go out from Iowa City to the various places.

The plan was to get four men to attend a meeting. Some attempt was made to send men into communities where they were most likely to have weight, but many last minute changes had to be made in the program, as might be expected.

A memorandum secured from Mr. Dane shows the following schedule of country meetings which finally were planned.

Monday, January 25th — Welsh Church, Hills, Frytown,
Oxford

Tuesday, January 26th — Sharon, Solon, Lone Tree,
North Liberty

Wednesday, January 27th — Bayertown, Scott Church

Thursday, January 28th — Swisher, Windham, Tiffin,
Morse

Friday, January 29th—Cosgrove

Monday, February 1 — Brick Chapel

Tuesday, February 2 — Newport

Others were contemplated and altogether twenty-five meetings of this kind were held.⁶⁵ Four men were assigned to each meeting. These meetings were not altogether a success. It was not possible to keep to the schedule. The weather was so bad that several of the meetings had to be called off. On the other hand, those that were held were fairly well attended. In this respect the country meetings were relatively more successful than those held in the city. The speakers were well prepared and delivered their messages effectively. Some hostility to the program was uncovered, but not much. The chief interest of those who turned out for the meetings was in having certain aspects of the program thoroughly explained and this the speakers were well able to do. Comparatively few of the country people were opposed to building good roads; but they did want assurances that the proposed finance program could not be altered by subsequent boards of supervisors, that taxes would not be higher than had been estimated, etc. They wanted to know *why* money could not be taken from the funds allotted to paving and applied to more graveling. They wanted to know how it happened that some of the important township roads, as in Cedar Township, were not included in the program. They wanted to know if maintenance really was provided for, and what was meant by "maintenance". They wanted a clear cut, word of mouth, explanation of the special assessment for paving, and they wanted to ask questions about that extra \$268,000 which the State was dangling before their eyes. Hence the function of the speakers proved to be persuasive explanation rather than argumentation.

⁶⁵ See schedule of county meetings, in the files of the State Historical Society of Iowa.

Very thorough preparation was made by the speakers for the most part. They held meetings in the G. A. R. rooms at the courthouse and had a luncheon at the Jefferson Hotel for the purpose of giving the speakers a better preparation for the work they were going to do. Nine pages of closely typewritten instructions, prepared by the committee, were given to each speaker. These instructions carried the heading "Road Program, Johnson County, Iowa, 1926 (Confidential for speakers and Press only. Do not reprint nor quote directly.)"⁶⁶

The instructions contain all of the information conveyed in the advertising, and since the advertisements have been analysed the instructions will not be described in detail. Some things, however, appear in the instructions that were useful to speakers but could not well have been put into the newspapers. For instance, a considerable list of property owners is to be found here — typical property owners, owning farms of various sizes in different parts of the county. Presumably the people so listed are well known in their communities. It had been figured out just how much property those people own, how much their taxes have been in past years, and just what they will amount to under the proposed scheme. Well known store property and houses in Iowa City are listed. Such definite information as this was very useful to speakers.

Furthermore, it is explained, that a special assessment can never exceed two per cent of the market value of the land against which the assessment is made. Thus a forty acre tract of swamp land, on a paved highway, could not, at most, be required to carry an assessment in excess of two per cent of its value. And this significant phrase is included, "those who are in closest touch with road matters

⁶⁶ See instructions, headed *Road Program Johnson County, Iowa, 1926*, in the files of the State Historical Society of Iowa.

believe it a question of time only until the present law is so changed that all of this excess cost will be borne by the State and the present special assessment of $12\frac{1}{2}\%$ will be returned to those who are now asked to pay it."⁶⁷

Another significant comment is: "The law specifically states that money so borrowed must be at 5% or less and at the present time it appears quite probable that these bonds will be sold at about $4\frac{1}{2}\%$ interest."⁶⁸

A paragraph of the instructions is devoted to what other States are doing, and in this connection there is the following statement: "It has now become a question of pride with Iowa folks. Do we want to sit in the mud for the next 50 years, have everybody avoid the State, be the butt of jokes and ridicule from one end of the country to the other, and the laughing stock of our neighbors, or are we willing to do something to help ourselves?"⁶⁹

Another substantial paragraph is devoted to estimating the saving in wear and tear on automobiles that will result from good roads. Thus these instructions provided the speakers with splendid material with which to meet their audiences.

Those who went to the meetings have interesting stories to tell about long cold rides at midnight, getting stuck in the snow or the mud, having to get horses to drag them out, abandoning their cars, etc. It was a week of hard work for some who went to meetings nearly every night. It meant the virtual abandonment of private business for a time. But the end in view was thought to be well worth it.

A series of meetings was also arranged for Iowa City.

⁶⁷ See instructions, headed *Road Program Johnson County, Iowa, 1926*, p. 4, in the files of the State Historical Society of Iowa.

⁶⁸ See instructions, headed *Road Program Johnson County, Iowa, 1926*, p. 4, in the files of the State Historical Society of Iowa.

⁶⁹ See instructions, headed *Road Program Johnson County, Iowa, 1926*, p. 6, in the files of the State Historical Society of Iowa.

They were planned for the week following the country meetings. Professor Rollin M. Perkins of the University Law College was in charge of the campaign in Iowa City. For several years Mr. Perkins had been chairman of the good roads committee of the Chamber of Commerce. He, as well as other members of the University faculty, such as Professor F. G. Higbee of the College of Applied Science, had done a great deal in the interests of good roads, and had been active in supporting good roads legislation. In December, of 1924, he delivered an address over the University radio, supporting the gasoline tax and a State bond issue for road improvement.

When this particular program developed it was natural that he should take an active part in it. For reasons already stated it was not thought wise to have the project emanate from the city, much less from the Chamber of Commerce. However the Chamber of Commerce was much interested in the matter, and Mr. Perkins, as chairman of the Chamber of Commerce committee, was immediately associated with the Johnson County Good Roads Association. His portion of the work was to supervise the city campaign, his radio talks possibly being his finest personal contribution. The city workers, under the supervision of Mr. Perkins, met twice for luncheon at Youde's Inn. Such meetings were thought to stimulate interest and enthusiasm.

The series of city meetings was arranged and organized by Mr. James L. Records, whom Mr. Perkins appointed for that purpose. They were to be held for the most part in the schoolhouses and in some other public places. Some of the same speakers who had gone into the country were assigned to these meetings but in addition there were several who had not attended the country meetings.

The first of them occurred on Sunday night, January 31st, at 7:30 in the Jewish Synagogue. The next night a meeting

was held in one of the Catholic schools of the city. On following nights meetings were held in most of the other schoolhouses of the city, the courthouse, and the city hall.⁷⁰

These meetings were held as announced, but the workers quite generally feel that the city meetings were more or less futile. They were not particularly well attended; most of those who did attend were quite in sympathy with the program, and there did not appear to be much demand for explanations. It was much like delivering a temperance lecture before the W. C. T. U.

All the business men's luncheon clubs of Iowa City were taken care of, in that speakers were entertained and given an opportunity to explain the program to the membership. It is unnecessary to say that without exception the speakers were very cordially received and discovered no opposition to the project. Indeed all the organizations, clubs, and societies appear to have been one hundred per cent for it.

A series of four semi-public so-called "round table" discussions of the project were sponsored jointly by the women's organizations of the city, meeting in the rooms of the Chamber of Commerce. The organizations participating were the League of Women Voters, the Iowa City Woman's Club, the King's Daughters, the Women's Christian Temperance Union, and the University Club. The University Extension Division was also represented.⁷¹

Another bit of publicity was carried on through the motion picture houses. Professor Rudolph Kuever of the College of Pharmacy had been asked by Mr. Perkins to prepare some slides advocating support of the good roads project. Mr. Kuever prepared many excellent slides with this purpose in view and they were flashed upon the screens in the various theatres in Iowa City and the small towns as well.

⁷⁰ *Iowa City Press-Citizen*, January 30, 1926, p. 2.

⁷¹ *The Daily Iowan*, January 28, 1926, p. 6.

In relating all this it would appear that possibly a campaign was being waged in favor of a project that nobody opposed. Variations of this comment have been heard quite frequently since the campaign was over. But, in passing, let it be said that nobody knows how much the effective presentation of this excellently thought out project had to do with suppressing incipient opposition during the first few days of the campaign. Who can say but what it was the very effectiveness of the early campaign maneuvers that won the battle long before election day arrived? If the first moves had not been wise, if the months of preliminary work had not been so well done, there might have been more evidence of a real fight during the actual campaign.

The remaining feature of the speaking campaign was the series of radio talks delivered from the State University radio station, WSUI. The radio program consisted of a series of noontime talks by Mr. Perkins, the week beginning February 1st. These were only four minutes in length, and were delivered at twelve-thirty. In addition there was a half hour talk by Mr. Griffith, the county engineer, on Wednesday evening, February 3rd. On Saturday evening Mr. Perkins delivered a short talk between the halves of the Iowa-Minnesota basket-ball game, thus catching all those who were following the game. On Monday noon, February 8th, Mr. Dane gave a short talk; and that evening Mr. Casey delivered a half hour talk.

The first four-minute noontime talk by Mr. Perkins, on February 1st, dealt with the bonding program. He made it plain that issuing bonds and borrowing money did not mean that more money was actually being spent on the roads than otherwise would be the case. He pointed out that borrowing money in this way simply made it possible to do in six years what otherwise could only be done in twenty.⁷²

⁷² *Iowa City Press-Citizen*, February 2, 1926. p. 4.

His subsequent talks dealt with such matters as the advantages of being able to get produce to market more readily. In one he dwelt upon the advantages of being able to get medical service more easily and more quickly. In these talks he was not so much concerned with explaining details as with making clear the practical advantages. Mr. Dane, in his noonday talk, developed the theme that women pay the bad roads tax, explaining that when the roads are impassable the women on the farm are more completely isolated than the men.⁷³ Naturally the half-hour talks of Mr. Griffith and Mr. Casey were of a different character.

Mr. Griffith, in his talk Wednesday evening, February 3rd, went into his subject very thoroughly. In his introductory comments he said:

While transportation between market places in all quarters of the globe is being investigated by the ablest scholars, very little scientific study has been given in this country to public highways leading from the farm to the local market places until the last two or three decades; and even up to the present day practically all the literature relative thereto is being written from an engineering rather than from an economic standpoint. Bridges and culverts, cuts and fills, plans and specifications, and numerous other engineering problems have been presented in highway reports. Such equally important problems as the relative value of primary and secondary road systems; the local cost of marketing agricultural produce; the proper distribution of road and bridge funds under varying conditions of topography, economic development and governmental organization, and the social and educational life of the rural communities, viewed from the standpoint of improved highways; these matters of vital interest to the agriculturalist receive scant attention save in the familiar rhetoric of booster meetings and uplift editorials. The time has come when serious study should be given to the economic and social side of the highway problem.⁷⁴

⁷³ *Iowa City Press-Citizen*, February 9, 1926, p. 1.

⁷⁴ See manuscript, in the files of Radio Station WSUI, p. 2.

Certainly Mr. Griffith himself departed from the familiar rhetoric of booster meetings; and he continued to avoid such rhetoric for the rest of his address. He went on to outline the official steps in the development of the project, and then explained very thoroughly most of the information that had been used in the publicity matter. No doubt this brought the message home to a great many listeners who would not pay much attention to the printed page. The latter portion of his talk was largely devoted to figures estimating in some detail the savings that would be effected by automobile owners.

On Monday evening, February 8th, Mr. W. L. Casey gave a talk of similar length. It is to be observed that Mr. Casey had been given an important responsibility for he was speaking on the very eve of election. Mr. Casey was a well known, prosperous, and popular young farmer. He was heart and soul in the project and worked faithfully to get it through and it occasioned much sorrow to the entire countryside when Mr. Casey died, less than a month after election day. He had been ill for some time and had been warned by physicians that over exertion would endanger his life. Nevertheless he carried on. The day before this radio talk was given he had gone with a party to Cosgrove. Their car was stuck half a mile from their destination, and they arrived only after much exertion. Mr. Casey was in the hospital again shortly after this.

In his talk Monday night he said:

I am glad for this opportunity to reach you over the air, for the condition of the roads is such that we cannot meet face to face. I hope however, that tomorrow the citizens of Johnson County will remedy this situation so that we can use and enjoy our roads rather than continue to apologize for them.

I had the good fortune to have been born and raised on a good Iowa farm and am at the present time actively engaged in farming. I know from dreary experiences what it means to be marooned a

fifth of every year, surrounded by a sea of mud, and as a result of such experience, I am keenly interested in a county wide system of serviceable roads, which will make it possible for the farmers of the county to reach the church, school, store, and his neighbors both on the farm and in nearby towns. You of my radio audience who live in Iowa City are anxious for all-weather highways which will make it possible for you to plan a journey with some assurance of reaching your destination in comfort. We folks on the farm are interested, as you are, in the main highways but we are also concerned with the county roads which connect us with our market centers and with each other.⁷⁵

In addition to all these general appeals that were directed to the entire country-side, efforts were made to convince a few special groups of people through special channels. Thus special efforts were made to reach the clergymen of the county, the physicians, the automobile owners, and the University faculty.

A personal letter was sent to the clergymen on February 1st. A quotation from this letter will indicate its character:

The ministers in the smaller towns and of the strictly country churches know that when the roads are bad or cannot be traveled over at all there is little or no attendance. Yet the rural church,—just as its city brother—cannot long survive without constant attendance.

The minister of the city sometimes think that good roads attract away from the church with their call to the open; but those who have thought the matter through seem to agree that anything making for closer relations between town and country, between city and town, is worthy of the support of all.

Will you therefore please say a word for good roads next Sunday? If you have the opportunity, we believe there is a mighty good sermon in Isaiah 40, third verse, "Prepare ye the way of the Lord. Make straight in the desert a highway for our God".⁷⁶

⁷⁵ See manuscript, in the files of Radio Station WSUI, p. 1.

⁷⁶ See letter addressed to Rev. John Michilek, Solon, Iowa, dated Feb. 1, 1926, in the files of the State Historical Society of Iowa.

A bulletin of information was included with the letter, and clergymen were invited to attend a good roads meeting scheduled for the following night in the rooms of the Chamber of Commerce.

This meeting, by the way, was organized for the doctors, the ministers, and representatives of the automotive industry of the county. The professional men did not turn out well, but more than one hundred men connected with the auto-motive industry were there, and pledged virtually one hundred per cent support to the project.

The communication directed to the physicians naturally dwelt upon the advantages of making it easier to bring patient and doctor together. It required no great imagination to develop this point, or to speculate upon the tragedies that may occur when the doctor is unable to travel.

The doctors were particularly urged to advocate good roads among their rural patients. One Iowa City physician, Dr. W. L. Bywater, was among the speakers who had gone into the country to address the rural meetings. Indeed the ceaseless advocacy of the good roads project on the part of Dr. Bywater was an excellent example of the sort of informal work that was done in the interests of the campaign, but can not be easily analysed or evaluated.

The message which was sent to automobile owners was not in the nature of a letter. It was printed on a sheet of business-letter size, $8\frac{1}{2} \times 11$ inches, and was largely a statement of facts that would be of particular interest to automobile owners. Some of them were as follows:

We own over 10,000 motor vehicles worth over \$8,000,000.

We replace them about every 4 years — \$2,000,000 per year.

They are idle because of bad roads — or run under expensive conditions 1-3 of the time.

If we can run 1-5 of our annual mileage over gravel or pavement, we will save \$18.00 per year for each car.

Any plan that does so much for you and costs so little should merit your unqualified support.⁷⁷

A sticker was enclosed with this communication and the auto owner was invited to paste it on the windshield of his car.

The members of the University faculty were reached through two personal letters, one from Professor Perkins, and one from Professor Paul E. Belting, director of physical education for men. Professor Perkins's letter was addressed "To the University Staff" and undertook to show that good roads would greatly benefit the University. The following paragraph is the heart of this letter:

This will induce many parents to drive to Iowa City and spend the week-end now and then with their sons and daughters here. It has been estimated that we would average from one hundred to three hundred visitors a week in this way. These visits would be of very great value to the parents and to the students, and of even greater significance to the University.

The closing sentence of this letter was very significant: "Don't forget the school election a few years ago which ended in a tie. We need your vote."⁷⁸

Mr. Belting dwelt at some length upon the difficulty encountered by people who wished to attend the athletic events at the University. He pointed out that many thousands of people come to the football games in the fall, and that many more would come if they could be sure of not getting stuck in the mud. He recalled vivid memories of bad weather on homecoming days in the past, when thousands of people had been put to great discomfort and expense because of the impassable roads. He was confident that good roads would

⁷⁷ See notice headed *Auto Owners of Johnson County*, in the files of the State Historical Society of Iowa.

⁷⁸ See letter addressed to the University Staff, dated February 1, 1926, in the files of the State Historical Society of Iowa.

greatly help the University, and the business men of the town as well.

In this discussion of special appeals to special groups of people it may not be out of place to refer to the efforts that were made to win over the residents of Cedar Township. This township is located in the northeast corner of the county, and a glance at the map showing the good roads plan makes it clear that Cedar Township was not to be included. The reason for this was that none of the primary or county roads ran into Cedar Township. For some years the highways of the State have been classified into a county system and a township system. The county system embraced approximately 15 per cent of the road mileage. The primary system, established at a later date, embraces about one-half of the old county system. All other roads are known as secondary. Thus some of the secondary roads in Iowa are county roads and some are township. None of the roads in Cedar Township had been included in the county system, but for this, present day officials were in no way responsible and the law makes it impossible to add more roads to the county system until the present ones are improved. Many people did not understand this, and it was particularly important to explain the situation to the residents of Cedar Township. This was done by means of two special communications.

Furthermore a group of men, accompanied by the county engineer, went into Cedar Township and discussed with members of the board of trustees the matter of having one of the township roads included in the county system. A road was determined upon, and it came to be generally understood in Cedar Township that if the pending road project carried, this particular road of theirs would, in due course, be included in the county system. As a result Cedar Township was for the project.

Special communications were also sent to the people of Madison and Jefferson Townships. Meetings scheduled in their communities had been abandoned on account of bad weather and so communications were sent, explaining the essential features of the project.

A certain very important phase of helpful publicity was afforded to the good roads committee through the voluntary aid of the newspapers of the county. This began even before the real campaign started, and continued steadily until after it was over. Of these newspapers the *Iowa City Press-Citizen*, published daily, except Sunday, was by far the most important. The University paper, the *Daily Iowan*, also published six days of the week, would probably measure second in importance. There was also in Iowa City a short lived weekly publication known as *Store News*, which had a very limited circulation. The country papers were all weeklies. They were the *Lone Tree Reporter*, the *Oxford Leader*, and the *Solon Economist*. Every one of these papers was in favor of the project.

The sort of publicity which these papers were in a position to give to such a campaign will readily occur to anyone. Most important, possibly, would be the editorials. There were numerous editorials, and all were friendly to the project. Then there were the day to day news stories about the doings of the Good Roads Committee, the meetings that were being held, the speeches that were being made, the letters that were written by subscribers and interested people, and a great variety of casual news items. All these might have been tinctured with hostility, or with friendliness. They could have been given unusual prominence or they might have been half obscured. There could have been many or few. As a matter of fact, they were numerous, they were given much prominence, and they were enthusiastically friendly. This was of inestimable importance to

the workers. Paid advertising could hardly have taken the place of such assistance.

It will not be worth while to review all of the editorials and news items that appeared in all these papers,⁷⁹ but enough of them will be commented upon to show their importance in the development of the campaign.

On January 16th, several days before the supervisors submitted their definite project, the *Press-Citizen* carried an editorial strongly endorsing good roads. This editorial was about the first bit of vigorous publicity that the campaign had received. Up to January 22nd the Good Roads Committee had been working on the quiet for the most part. January 22nd was the date on which they opened their publicity campaign. But the editor of the *Press-Citizen* anticipated this campaign by a few days when he published his vigorous editorial on January 16th.

The editorial strongly endorses the general features of the project, which it was believed the supervisors were about to submit. Pointed reference is made to the fact that the movement originated with the farmers. Thus the editor proved himself to be in the councils of those who had been working with petitions. It is stated that while the program originated in the country it is nevertheless heartily endorsed by all the civic leaders in Iowa City. A very significant point is made that "politics" in no sense is involved in this project. This, it would appear, was a true statement at the time and proved to be a sound prophecy. It would be very difficult to show that political considerations had anything to do with any aspect of the movement. Party affiliation was completely ignored. Democrat and republican worked together, entirely oblivious of party ties. The project was strictly non-partisan.

⁷⁹ A scrap-book of clippings on the road campaign may be found in the office of the Iowa City Chamber of Commerce.

Other editorials followed, keeping pace with the developing campaign. After the first announcement of the committee on January 22nd, editorials appeared every day or so. On January 26th a great deal of space was given in the editorial columns to quotations from the *Lone Tree Reporter* and the *Oxford Leader*. Both these papers had commented favorably upon the road program, and the *Press-Citizen* quoted them with much satisfaction. Reference was made to the recent meeting at Lone Tree at which attorneys Henry G. Walker and Charles M. Dutcher had appeared.

On the next day, January 27th, once more quoting the two country papers in its editorial columns, the *Press-Citizen* dwells upon the point that if the project fails, the State would gravel Number 7 and Number 40, and the country people would be left in the mud.

On January 28th, the editorial columns carry a big heading, "Don't Vote Against Good Roads Because of Misunderstanding", and there follows a letter from a person signed "A Constant Reader". The writer labored under very great misapprehensions concerning the paving features of the project, and the assessment therefor. The rest of the editorial columns is devoted to a careful and sympathetic explanation of the true situation.

And so the *Press-Citizen* carried on, almost day by day, in its editorial columns. On February 4th, there is a vigorous attack upon the hypocrite who pretends to be in favor of good roads, but opposes every specific proposal.

The editorial of February 6th is addressed particularly to farmers. The writer runs off into a more or less harrowing word picture of a child in desperate illness, and the doctor unable to come because of the roads.

On February 8th, the night before election, the paper addresses itself to the city voter and makes a vigorous plea for his support.

Editorials in the other papers of the county are favorable, but probably reached fewer people than those in the *Press-Citizen*. On January 14th, a week before the campaign really opened, the *Daily Iowan* gave approval to those who were bringing the project to conclusion, in a brief editorial entitled "Good Work". Subsequent editorials were short and rather perfunctory. Probably the best of them was one entitled "Build for Tomorrow", which appeared on February 4th. It develops the thought expressed in the heading. On February 6th another excellent editorial appeared, entitled "Cross Out the Mud".

The country papers, being weeklies, did not have as many opportunities to express themselves, as did the dailies, but their editorial comments were favorable, although they seemed to lack some of the confident tone that runs through the *Press-Citizen*. They dwell very largely on the point that although gravel on the primary roads might have been plenty good enough, if the country people fail to support the project the State would gravel the primary roads, and then the city people would not support a project to do anything to the other county roads. This sentiment pervades the *Lone Tree Reporter* editorials of January 14th and 21st, and the *Oxford Leader* on January 21st, wherein the *Lone Tree Reporter* is quoted with approval.

In the meantime the news columns of all the papers were keeping the matter in the public eye. The pages of the *Press-Citizen* were fairly sprinkled with items that were calculated, not only to relate news, but to prompt a favorable reaction to the good roads movement. The actual news is told in detail. Rural and city meetings are reported and quotations from the speakers are presented. Letters from various people are printed or quoted. Different aspects of the project are explained at length, an ostensible news story turning out to be a virtual explanation of the good roads

appeal. Elaborate instructions are given to voters. Stories from other counties are related, written by people who tell of the advantages that have come with good roads. There are stories of rural parties and parent-teachers meetings that had to be abandoned because of bad roads, and church services ill-attended for the same reason. The Governor is quoted, the members of the Highway Commission are quoted in the news, all in favor of the program. And on Monday evening, February 8th, the night before election, across the bottom of the front page is a very conspicuous heading "Poor Roads Spell Doom of Religion in Country — Keeler", while in a few terse paragraphs the Reverend Wilfred C. Keeler, pastor of the Methodist Church of Iowa City, undertakes to convince his readers that this is so.

Nothing would be gained by reviewing all these news items and stories. However, some of them may be mentioned to show the extent to which the news columns of this paper helped the cause along:⁸⁰ January 18th, page one, the engineer presents his plan to the Highway Commission, no opposition is expected; January 19th, page two, the story of his success is told; January 20th, a lengthy account appears about the fixing of election day, and the inclusion of the Black Diamond Trail in the program; January 21st, page three, there is a story about the big map in the newspaper office window, with a friendly survey of the program; January 22nd, page five, the rural meetings are announced. In the same issue a strong story about the source of funds appears, written up in the question and answer method. Another story tells of the crowds looking at the map. On page seven is an item about speakers advocating the plan at the Rotary Club. Next day a quarter page map is printed on the second page. On January 25th there are announcements

⁸⁰ A scrap-book of clippings on the road campaign may be found in the office of the Iowa City Chamber of Commerce.

of the rural meetings. In another column instructions are given for registration. On February 6th there appear no less than seven separate news stories of considerable length.

And so it goes, every issue bristling with items and long stories. In the issue of February 3rd, most of page three is given over to two letters of opposition and the comments upon them. This matter is discussed below. The issue of February 4th carries a full page heading, "Hammill Backs Road Program", and a two column story quoting a letter from the Governor to the chairman of the Good Roads Committee. In the same issue on page seven a news story under a big heading recites the engineer's figures showing how good roads would mean a saving to the automobile owners. On the same page is an item about postponing a church party. On page six is a letter from a woman giving a word picture of isolation and the lack of pleasures that would be available if roads were good. She pleads with other farm women, "Let each one of us set just one more hen each spring for the next six years, and we can pay the extra tax ourselves."⁸¹

The issue of February 5th is full of road news. Mr. Perkins's last radio talk is reviewed, stories from other counties are printed, people are instructed about registration. Other innocent looking stories tell about the great difficulty farmers are having in bringing produce to town; and of the disappointing attendance at farm sales because of bad roads.

On page one of the *Press-Citizen* for February 8th, the evening before election, a very optimistic story reminds people of the election and prophesies victory for the road program. Thus came to a conclusion a veritable barrage of news.

⁸¹ *Iowa City Press-Citizen*, February 4, 1926, p. 6.

The news stories in the other papers were much less numerous. The *Daily Iowan* reports the more significant meetings, refers to some of the public talks given by Mr. Perkins and others. The story of the Black Diamond Trail petition is told in the issue of January 21st, and occasionally a brief story based on information provided by the committee appears. Thus in the issue of February 6th there is printed an excellent story of the saving that could be effected over a period of twenty-five years if Number 40 were paved. The *Daily Iowan* news stories appear on the average of every other day and usually had the same location on the back page.

In their news columns the rural papers content themselves largely with brief accounts of past meetings and announcements of future meetings. Their columns of "locals", however, contain numerous stimulating admonitions to vote for good roads.

It may now be appropriate to turn attention for a moment to the opposition. There is comparatively very little indeed to say about it. Many people declare there was none. What opposition there was certainly was smothered. Opponents of the plan would have had great difficulty in getting a hearing. But there is no way of telling how much opposition there would have been if the campaign had not been handled in such a masterly way. The truth, facts, statistical information, the approval of experts, the support of high officials, and the press of the entire county were irresistible weapons. Every word of opposition was anticipated long before it could be uttered. A thorough knowledge of the law and of highway engineering was enjoyed by those who were supporting the plan. Those who opposed it were woefully lacking in this knowledge and did not try to get it.

But on the other hand, if the project had not been well

handled right from the start, there is no telling how much opposition might have developed, or how successful it might have been. It was easy to say, the day before election, that no votes could possibly be cast against the project because the Iowa law does not permit idiots and insane people to vote. Campaign workers knew only too well that much latent hostility to expensive road improvement programs could be found, particularly in the rural districts. But they had anticipated it even in the matter of getting up petitions. There was "no opposition" largely because the campaign managers had blocked up every avenue of attack, and opponents were non-plussed.

It was easy to overwhelm what little opposition appeared in the public meetings. Trained speakers were there, experienced lawyers and University men, to say nothing of others who were equally well able to talk in public. To such men an objection voiced by an inexperienced person in the audience was but a cue to launch into another peroration. And so it was in the matter of writing publicity. All the skill and experience lay with those who favored the program.

But it must be said the campaign workers had no monopoly on the will to work. With all the formidable resources at their disposal, and with the great prestige of influential organizations, institutions, and people behind them, they got down to shirt-sleeve labor for many tiresome days and hours. It is not recorded that the opposition did so. Hence the complacent comment, "there was no opposition".

Street corner oratory and neighborhood wrangling is difficult to evaluate. Certainly there was some of it, in opposition to the project. It appears, however, that the only significant opposition came to a head in the persons of two farmers who endeavored to get some publicity for their views in the Iowa City papers.

Mr. J. J. Murphy, a farmer in Scott Township, was generally looked upon as the leader of what opposition there was. Mr. Clay Bowersox, a farmer of Jefferson Township, was closely associated with him. These gentlemen wished to have their views published in the columns of the *Press-Citizen* and, although the management of that paper was distinctly hostile to their purpose, the editor agreed to print communications from these men on some night they might choose the week before election. They preferred Saturday night, but this favor was not conceded.⁸²

Nevertheless each of them submitted an article, about three-quarters of a column in length, which were published in the issue of February 3rd, on page three. The management of the paper was true to its word in publishing the articles; but it can hardly be said that they were published without prejudice, and in a manner that could have been satisfactory to the writers. A heading runs clear across the page, "Johnson County's Mud Roads Now Question of the Hour". Under this is a three column heading, "Highway improvement program built for best interests and welfare of farmers and townspeople of entire community". Then in small type comes the statement: "J. J. Murphy and Clay Bowersox write communication in which they voice opposition to Good Roads Plan. Their contentions analysed in statement of facts from authoritative sources". Following this statement there are three paragraphs explaining that these gentlemen have submitted articles, and that the *Press-Citizen* has analysed and refuted their contentions. The public is then urged to read both sides and decide for itself.

Under these inauspicious headings the two articles are printed side by side, with the author's name appearing at the top of each column. Following them, under a heading, "Communications analysed", they are indeed very thor-

⁸² Interview with M. C. Speidel, editor of the *Iowa City Press-Citizen*.

oughly analysed, picked to pieces, refuted, and altogether discredited. This hostile analysis covers about twice as much space as the two articles taken together. It was written by the editor of the paper, in conjunction with the engineer, the two men having worked together far into the night, after receiving the opposition articles, in order to have their analysis ready for the next issue of the paper.⁸³ The analysis was written in a dignified style and betrays no malice or tendency to ridicule. The editor of the paper felt the more justified in discrediting the communications as he did because he had endeavored to dissuade the writers from retaining in their articles many of the statements which were shown to be in error.⁸⁴

The articles, and the analysis as well, involved an amount of work and received a degree of publicity somewhat beyond that which their importance would seem to warrant. There is virtually only one point made in the two articles together — no paving should be done, and the money saved in this way should be used to gravel other roads. The lengthy analysis, which, by the way, is by far the best piece of literary construction that appeared in the whole campaign, could be boiled down into the statement — “It can’t be done”.

Mr. Murphy declared that the State intends to gravel the primary roads within three years. He believed gravel to be plenty good enough, and urged the county to use its money for graveling county roads. This idea is expressed in his last sentence, “Take the money you are spending on State roads and gravel your county and other roads and we will believe you are ready to cooperate with us.”

Mr. Bowersox wrote on the same theme and presented a lot of figures designed to show the relative original cost and

⁸³ Interview with M. C. Speidel, editor of the *Iowa City Press-Citizen*.

⁸⁴ Interview with M. C. Speidel, editor of the *Iowa City Press-Citizen*.

the cost of maintenance of paved roads and gravel roads. In conclusion he said, "Get out your pencils and figure for yourselves. Then vote for the gravel beds of Iowa and not for the cement plants of the State, who are making as high as forty-five per cent profit."

Many incidental statements were made in the development of these ideas, and it was these statements which the "analysis" took up seriatim, and destroyed one by one. Mr. Murphy said that the Governor's plan contemplated graveling all the primary roads within three years. This was tersely shown to be a mis-statement of fact. He said the State Highway Commission supported his own belief that gravel would hold up as well as paving. Extensive quotations taken from publications of the Highway Commission were used to show that this was not the case. Erroneous statements concerning cost of maintenance were corrected. Further statements concerning available funds and the retirement of bonds were shown to be erroneous. Indeed almost every paragraph and sentence in the two articles was mercilessly discredited. And this treatment was the more effective in that ridicule was not resorted to, nor were idle contradictions and aimless boasting used.

As to the main point involved — using money that would go for paving to gravel other roads — that was shown to be impossible under the law. The other main point turned on opinions as to whether or not gravel would stand up on the roads which it was proposed to pave. This point was disposed of quite effectively by citations from service bulletins published by the State Highway Commission.

But there was more definite evidence even than these bulletins. A letter under date of January 23, 1926, addressed to the Johnson County Good Roads Committee, and signed by F. R. White, Chief Engineer of the Highway Commission, declares in part:

The graveling which was proposed for No. 7 and No. 40 north in the three year program recently outlined by the Commission was considered simply as a temporary surfacing to get the traffic on these roads out of the mud until such time as a more durable type of construction could be had. With the limited funds available to the Commission when it outlined the three year plan, it could not finance the paving of these roads and at the same time give equitable consideration to the needs of the other parts of the state. Consequently, the Commission proposed to gravel these roads as a temporary measure. Graveling was the only type of surfacing that we could finance for these roads, and although gravel is not the most economical, desirable, or proper type of road improvement for roads carrying such a heavy traffic as these roads carry, yet we felt that anything that would get you out of the mud would be better than what you now have.⁸⁵

In another letter, dated January 25th, and addressed to Morgan W. Davis, chairman of the Good Roads Committee, Mr. White says:

The program provides for the paving of Primary Road Number 7 east and west across the county and Primary Road Number 40 north from Iowa City to the Linn County line. This is the proper form of improvement for these roads. These roads carry a very heavy traffic. It would be difficult and quite expensive to maintain a gravel road on these two roads. From experience on other roads carrying a similar traffic, it would be our opinion that it would cost at least \$1000 per mile per year to maintain a gravel surface on these two roads. A paved surface on these two roads will cost around \$150 per mile per year to maintain.

That the Commission firmly believes in the propriety of paving these two roads as against the graveling of same, is evidenced in a substantial way by the amount which the Commission is willing to put into this bond issue program as compared with that we have proposed to spend in Johnson County if these roads were graveled.

We have agreed with your board of supervisors that we will put \$400,000 into the improvement of primary roads in Johnson County if a bond issue is adopted and Number 7 east and west and Number

⁸⁵ Letters, signed by F. R. White, dated Ames, Iowa, January 23, 1926, in the files of the State Historical Society of Iowa.

40 north are paved. We were proposing to put only \$132,000 out of said fund into Johnson County if the said roads were to be surfaced with gravel. Thus, in order to get these roads paved, we are proposing the expenditure from the state funds of \$268,000 additional. Surely in view of the way we are harrassed from all sides for additional funds, we would not spend this additional \$268,000 in Johnson County unless we were abundantly convinced that these two roads should be paved.⁸⁶

In a three page letter addressed to ex-Senator Charles M. Dutcher, under date of January 22nd, Mr. White explains the great saving that will grow out of paving a road instead of graveling it.⁸⁷

Returning once more to the activities of the opposition, it is necessary to relate that in view of the unfortunate denouement to their attack upon the good roads project in the *Press-Citizen*, they turned to the *Daily Iowan*. In the issue of Friday, February 5th, there appears on the editorial page a letter to the editor. It is printed in a column headed, "Letter to Editor", and is in no sense part of an editorial. The letter is addressed to the editor from Shueyville, Iowa. It is not signed by anybody. It is unnecessary to outline the content of this letter, for in a somewhat abbreviated form it presents exactly the substance of the Murphy and Bowersox articles of February 3rd, appearing in the *Press-Citizen*.

The appearance of this letter on Friday morning stirred the ire of the Good Roads Committee. They were indignant that the letter was unsigned and, in their judgment, largely untrue. They requested the *Daily Iowan* management to do them the courtesy of letting them know about any further hostile publicity in time to meet it. Later in the day it was

⁸⁶ See Mr. White's letter addressed to Morgan W. Davis, dated at Ames, Iowa, January 25, 1926, in the files of the State Historical Society of Iowa.

⁸⁷ See Mr. White's letter addressed to Chas. M. Dutcher, dated at Ames, Iowa, January 22, 1926, in the files of the State Historical Society of Iowa.

learned that the *Daily Iowan* intended to carry in its Saturday morning issue a large advertisement hostile to the good roads program.

Further investigation revealed that an agreement had been made to sell space for this advertisement. For due compensation the *Daily Iowan* was to run the advertisement, print a large number of extra copies, and send them out on the rural mail routes next morning as free sample copies.⁸⁸

On Friday evening certain members of the Good Roads Committee met with representatives of the *Daily Iowan* staff, and in the course of the discussion it was pointed out that post office regulations would not permit sending free sample copies for the purpose of disseminating private advertising. The management of the *Daily Iowan*, being convinced of this, and furthermore having discovered that their free mailing privilege had been exhausted some months before, communicated with those who had submitted the advertisement. Since they had no particular interest in trying to reach city voters and did not desire to pay for mailing extra copies into the country, they cancelled their advertisement and the Good Roads Committee considered the matter closed.

Early Sunday morning, however, a member of the Good Roads Committee learned over the rural telephone line that hostile publicity was to be issued from the *Daily Iowan* office that very morning. Proceeding at once to the *Daily Iowan* office he discovered that a quantity of folders had been printed and addressed, and at that moment were being delivered to the farmers who had ordered them.

Inquiry brought out the fact that for due compensation the *Daily Iowan* office had printed these folders, inserted them in envelopes, and was about to deliver them. Oper-

⁸⁸ Interviews with those involved.

ations ceased at this point, and heated controversy ensued. Certain of the farmers interested in the pamphlet, whose names were attached to it, were convinced that some of the statements in it were wrong. On this account they had sought to get the *Daily Iowan* to print it over again Sunday morning. This service had been refused. These men were therefore not particularly anxious to have the folder go out with the objectionable statements in it, and they were on that account the more susceptible to persuasion. After a prolonged controversy, in which representatives of the *Daily Iowan*, the University, and the Good Roads Committee participated, the farmers took their money back and went away without their folders. Thus ended the last effort of the opposition to get publicity for their views.

Election day was Tuesday, February 9th. Elaborate plans had been made for getting out the voters on that day. Indeed, with a view to getting out the largest possible vote, activities had been going on in Iowa City for many days preceding the election. This aspect of the campaign was largely in the hands of women. Mrs. F. A. Stromsten, of the League of Women Voters, took charge of the problem and built up an organization for the purpose in hand.

The registration lists were scanned. The city was divided into districts and subdistricts. A woman was asked to be responsible for each significant area. The work was so subdivided that a particular woman would find herself responsible for the voters within one or two blocks only. A typewritten list of the residents within her area was given to each worker. Her task was to call up every person on her list the week before the election, give them instructions about registration if that were necessary, and to ask specifically whether that person intended to vote for the good roads project. Inquiry was also to be made concerning other voters in the household.

On the basis of information gained through all this telephoning each woman was supposed to report to her district officer the results she had obtained. On the morning of election day every householder was to be called a second time and reminded to go to the polls. If any person was not able to leave home, or needed a conveyance, provision would be made for that voter by means of sick voters' ballots, or automobile transportation.

Somewhat similar work was done out in the rural townships, two workers having been assigned to each. Some of the township workers were paid for their services, others would not accept pay.

The reports turned in by the women workers in Iowa City show the thoroughness with which their work was done. On a typical report sheet, dealing with a particular city block, will be found in substance as follows:

- 711 John Doe
 wife, son and two daughters 5 votes
 daughters not registered
 Mr. Doe is doubtful and needs to be worked on by someone who knows him, but he responded favorably.
- 725 Richard Roe
 wife, daughter, maid 4 votes
 Maid not registered but will do so.
 All favorable.
- 731 William Brown
 wife, son, daughter 4 votes
 Daughter absent. Father will see that she gets absent voter's ballot.⁸⁹

Of course all the workers did not turn in reports as thorough as the above, but they did do the actual telephoning that was involved. It is probable that Iowa City never before was so thoroughly combed as it was in connection

⁸⁹ See report on Fourth Ward voters, in the files of the State Historical Society of Iowa.

with this campaign. Eleven hundred and ninety-five people registered in the days set aside for special registration preceding this particular election.⁹⁰

Extensive preparations were made to accommodate those who were sick and unable to go to the polls. Professor C. W. Wassam of the University School of Commerce assumed responsibility for this service and he, with his assistants, accommodated between three and four hundred people with sick voters' ballots. Providing notaries public for this work was quite an undertaking. These came chiefly from the banks and law offices. Newspaper advertisements had notified people where to call to get this assistance.

Two automobile dealers of Iowa City, Mr. J. G. Gartner, and Mr. S. L. Updegraff, organized an automobile service of cars donated for this purpose, and undertook to carry voters to the polls, and to carry notaries public to those who wanted sick voters' ballots.

Advertising in the newspapers had also explained to people who were going to be out of town how they could get absent voters' ballots.⁹¹

The night before election Mr. Carl Strub, assisted by some boys who had done this sort of thing before, went all over town and hung on the doorknobs little tags reminding people to vote.

And on the morning of election day, February 9th, the *Daily Iowan* carried in the middle of its front page a strong editorial urging its readers to vote. This appeared under a heading, "Yes for Good Roads — An Editorial".

Through friendly arrangements with the telephone company, whole sections of the country side were rung up at a time and some person speaking for the Good Roads Committee adjured his listeners to attend the polls.

⁹⁰ *The Daily Iowan*, February 7, 1926, p. 8.

⁹¹ *The Daily Iowan*, February 6, 1926, p. 3.

During noon hour of election day, an auto parade, headed by the University Band, traversed the downtown streets despite the rain. This parade was organized by Mr. H. W. Smith, proprietor of an establishment for repairing damaged automobile bodies. In this parade were a number of badly damaged and dilapidated cars. Signs and slogans adjured the voters to vote for good roads in order that the new cars would not be reduced to the dilapidated condition of the damaged cars.

After reading the story of this campaign it may occur to many people that a considerable sum of money must have been needed. And it is proper to inquire whence it came.

Mr. Lee Nagle was the first person designated treasurer of the organization running the campaign, but he left for California before very much money was raised or needed. Mr. Hal Stewart succeeded him, and all money raised and spent passed through his hands. Mr. Stewart has a complete record of these funds. They were raised by individual subscription, almost entirely in Iowa City. Several individuals gave one hundred dollars, and the rest was raised in smaller sums but with very little difficulty.

It is most interesting to observe that more money was raised than was needed. Money was spent for the newspaper advertising, for printing the pamphlets, and posters, for mimeographing letters, and for postage. In addition there were items for clerical work, provided for the most part through the office of the Chamber of Commerce. A complete record of all expenditures has been kept.

Less than two thousand dollars was spent, which was indeed a very small sum considering the extensive nature of the campaign. The remainder of the money was returned to those who had contributed it. Forty-four per cent of the money raised was returned. The following letter accompanied the refunds:

GOOD ROADS PUBLICITY COMMITTEE
IOWA CITY, IOWA

March 22, 1926

Dear Sir:

In the campaign for Good Roads your Committee on Publicity reports total subscriptions of \$3553, and total expenditures of \$1979 or 56% of the amount subscribed.

This enables us to return, 44% of your subscription, which was \$———, and we are inclosing check to your order for \$———.

The Committee wishes to express it's appreciation of your loyalty and is gratified, that it is possible to refund this proportion of your subscription.

Yours truly,
Good Roads Publicity Committee,⁹²
By Hal Stewart, Treas.

It may be appropriate to bring this monograph to a close with a statement of the election returns, and a few comments on the incidental effects of the campaign. The returns were as follows:

IOWA CITY BY WARDS

	Yes	No
First Ward	952	78
Second Ward	1098	38
Third Ward	655	44
Fourth Ward	1369	59
Fifth Ward	1252	59
	<hr/>	<hr/>
Totals	5326	278

TOWNS OF COUNTY

Solon	155	20
Lone Tree	282	14
Hills	100	6

⁹² See Mr. Stewart's letter, dated March 22, 1926, in the files of the State Historical Society of Iowa.

Tiffin	61	13
Oxford	136	88
North Liberty	99	13
Coralville	114	3
<hr/>		<hr/>
Totals	947	157

TOWNSHIP VOTE

Big Grove	134	12
Cedar	146	31
Clear Creek, Oakdale	92	4
Clear Creek, Tiffin	124	38
East Lucas	143	24
Fremont	199	24
Graham	153	51
Hardin	135	55
Jefferson	97	93
Liberty	59	33
Lincoln	91	2
Madison	89	43
Monroe	116	20
Newport	120	18
Oxford	110	130
Penn	130	29
Pleasant Valley	95	23
Scott	183	68
Sharon	162	70
Union	171	60
Washington	149	10
West Lucas	185	13
<hr/>		<hr/>
Totals	2883	851
Total Vote in County	9156	1286 ⁹³

⁹³ See election returns in the *Proceedings of the Board of Supervisors, Johnson County*, 1926, p. 29.

Such a result was nothing short of startling. Observe that only one voting precinct returned a majority against the proposition. A score of other counties immediately became interested. The workers in Johnson County were besieged with requests to explain how it was done, and even to donate their services. Mr. Perkins gave more radio talks after the campaign than he did before election, explaining to the people of the State just how it had been accomplished.

Mr. D. W. Crum, the secretary, and Miss Dorothy Sutton, assistant secretary of the Iowa City Chamber of Commerce, prepared scrap books containing much of the publicity matter, and these have been in great demand in other counties. Indeed the great activity on the part of other counties, and the work that has been done in Johnson County up to the present writing (July, 1926) suggest the possibility of a sequel to this monograph, in which the results might be reviewed a few years later. Advices from Mr. Griffith's office indicate that work is well under way. Contracts, he declares, have been let for grading, draining and bridging three projects, totaling about twenty-four miles; and for about thirteen miles of paving. It may be observed that these contracts were let for over \$100,000 *less* than the estimates on the official ballot.⁹⁴

KIRK H. PORTER

THE STATE UNIVERSITY OF IOWA
IOWA CITY IOWA

⁹⁴ People from other counties have wanted to know "who put this campaign over", and a concluding word here may shed a little light on that question. Throughout the pages of this monograph many different people have been mentioned who were active in the campaign. It has been quite impossible to name everyone who did substantial work in the interests of the project. Not less than six hundred individuals performed some definite service, great or small, at the request of the Good Roads Committee, and the committee was the center of this formidable array of workers.

The committee, it will be remembered, was composed of Mr. Davis, Mr.

Dwyer, Mr. Casey, Mr. Dane, and Mr. Dutcher. However, without wishing to depreciate in the slightest degree the work done by the other members of the committee, it should be said, in all justice, that responsibility for the enormous amount of detail work, the planning, organizing, and management, fell largely upon the shoulders of Mr. Dane.

It was he who blocked out and prepared most of the newspaper advertisements, the estimates and figures having been furnished by Mr. Griffith. It was Mr. Dane who conceived and prepared most of the campaign literature, inspired many of the news stories, and saw that they were released at the proper time. It was he who wrote most of the campaign letters, carried on a voluminous correspondence, and maintained constant communication with the rural workers by means of the telephone. Indeed there is scarcely a single phase of the campaign activity in which Mr. Dane's hand does not appear.

His knowledge of the art of publicity may have been acquired to some extent during his undergraduate days when he was active in newspaper work, a pursuit which he followed for a short time after graduation. And it may be that his military training and experiences as an officer during the World War was not without significance. But coupled with this there was evidently a great capacity for persistent, determined effort, and a willingness to assume a great amount of ordinary drudgery.

SOME PUBLICATIONS

The Story of Illinois. By Theodore Calvin Pease. Chicago: A. C. McClurg & Co. 1925. Pp. 394. In this single volume history the author has succeeded in preparing for the general reader a most interesting narrative of Illinois. As indicated in the preface the work is based to a considerable extent on the five volume *Centennial History of Illinois*, although the author has also carefully examined the body of source material for most of the period covered in the book. The author's thorough understanding of the background and evolution of the Illinois country as well as his wide knowledge of the more recent developments in his State have enabled him to trace the story of Illinois in a most satisfactory manner. The publishers of this volume, however, have not succeeded in producing a book as attractive in appearance as those of the *Centennial History*, for example. In an appendix the author has included the Illinois vote for President in 1824, a list showing the Illinois vote for the Presidency from 1820 to 1920, a table giving the vote for Governor from 1818 to 1920, and a population table for Illinois from 1810 to 1920.

The Life and Papers of Frederick Bates. Edited by Thomas Maitland Marshall. St. Louis: The Missouri Historical Society. 1926. Pp. Vol. I, 346; Vol. II. 343. Plates. These two volumes contain a selected group of manuscripts from the extensive collection, known as the Bates papers in the possession of the Missouri Historical Society. The editor has selected for publication "those manuscripts which throw light on the public life of Frederick Bates and on the history of the period, the word history being used to include politics, law, social and economic conditions, and the evolution of institutions." Letters of an intimate nature in the collection as well as the many poems written by Bates have been excluded from the volumes. A short sketch of the life of Frederick Bates is followed by chapters which furnish an "intimate picture

of political and social conditions" in the Territorial background of Missouri history. The volumes are carefully and critically edited, and an index to both volumes appears at the end of Volume Two. These books are attractively printed and bound, and furnish a valuable addition to the printed source materials of the Mississippi Valley.

George Croghan and the Westward Movement 1741-1782. By Albert T. Volwiler. Cleveland: The Arthur H. Clark Company. 1926. Pp. 370. Maps, plates. In this volume the author has told the story of an interesting epoch in American history with George Croghan as the central figure. As "an Indian trader, an Indian agent, a land speculator, and a projector of inland colonies", George Croghan was indeed, as the author remarks in his preface, "the leading exponent of the expansion of the Anglo-Saxon race into the Ohio region during the generation before 1775." His trading activities in that section constituted one of the causes of French aggression in the Ohio Valley, and to help check this aggression Croghan was employed as Indian agent, first by the colony of Pennsylvania, and then by the British Empire. He aided materially the cause of Great Britain in the struggle against France for the Ohio Valley while his subsequent successful peace mission to Pontiac prepared the way for British occupation of the Illinois country. He early foresaw the future greatness of the trans-Appalachian region, and he organized great land companies to develop this territory. As a leader in such enterprises he acquired title to vast estates. Croghan's later years, however, were less prosperous. Although he espoused the cause of the colonists against the mother country he was suspected of being a Tory, and forced to stand trial. Debts consumed his vast holdings, and at the time of his death in 1782, little remained of his once great wealth. The book is the result of scholarly research, and sets forth for the first time a connected account of the career of a significant frontiersman. The volume contains three valuable maps, an extensive bibliography, and an index. Printed at the Torch Press in Cedar Rapids it is another example of the fine workmanship of this Iowa establishment.

Pioneer Days in the Early Southwest. By Grant Foreman. Cleveland: The Arthur H. Clark Company. 1926. Pp. 349. Maps, plates. The author of this volume, a well-known historian of Oklahoma, has caught and reflected the romance in the story of the conquest of the Southwest, a story which spans that interval between the purchase of Louisiana and the outbreak of the war with Mexico. As a background to this story Mr. Foreman summarizes the explorations of Louisiana Territory prior to and after its acquisition by the United States. Chapters follow on the establishment of Fort Smith in 1817, the expeditions of Jacob Fowler and Thomas James to Santa Fe in 1821, and the establishment of Fort Gibson in 1824. Interesting sketches of the earliest known traders on the Arkansas River, and Washington Irving's visit to the Southwest in 1832 furnish the content of two other sections of the book. The Osage massacres, and attempts on the part of the government to make peace with the western tribes, sketches of garrison life, the story of Sam Houston, and stirring events in the Southwest prior to the outbreak of the Mexican War form the contents of the rest of the volume. The author has indicated the sources for his narrative in footnote references and in a formal bibliography. Two maps and two halftones are used effectively as illustrations, and an adequate index is included. The volume is the work of the Torch Press at Cedar Rapids, and is attractively printed and bound.

Pro-Jackson Sentiment in Pennsylvania, 1820-1828, by Herman Hailperin, is one of the articles in *The Pennsylvania Magazine of History and Biography* for July.

Elmer E. Ellsworth and the Zouaves of '61, by Charles A. Ingraham, has recently been published in book form by the University of Chicago Press.

The Gallipolis Colony, by John McGovern, is one of the papers in the March number of the *Records of the American Catholic Historical Society of Philadelphia*.

The Tendency Away from Political Democracy in the United States, by B. F. Wright, Jr.; and *The Railroad Problem of the*

United States, by Samuel O. Dunn, are two of the papers in *The Southwestern Political and Social Science Quarterly* for June.

School Support and Our North Carolina Historical Review, 1868-1926, by Charles L. Coon; and *Defeatism in the Confederacy*, by Frank L. Owsley, are two of the papers in the July issue of *The North Carolina Historical Review*.

The Origin of the Skidi Pawnee Sacrifice to the Morning Star, by Ralph Linton; and *The Creator Concept among the Indians of North Central California*, by Edwin M. Loeb, are two papers in the *American Anthropologist* for July-September.

Among the articles and papers in *Americana* for July are the following: *Ontario Under The French Regime*, by Jesse Edgar Middleton; *Some New York Manors and Patents*, by Benedict Fitzpatrick; *Romantic Beginnings of San Francisco*, by Harold A. Helgesen; and *Empire Building*, by Francis E. Smith. The last named article deals with the extension of American sovereignty over the Pacific Northwest.

Old Houses and Estates in Pittsburgh, a paper by Annie Clark Miller; a continuation of *Old Bayardstown*, by P. W. Siebert; and an installment of the interesting article on *Child Life in Colonial Western Pennsylvania*, by Percy B. Caley, are the chief contributions in the *Western Pennsylvania Historical Magazine* for July, 1926.

The Growth of Florida's Election Laws, by James Owen Knauss; and *Massacre at Indian Key, August 7, 1840, and the Death of Doctor Henry Perrine*, a narrative by Hester Perrine Walker, are two papers in the July issue of *The Florida Historical Society Quarterly*. There is also an account of the Irving Bacheller essay contest which is designed to stimulate research in State history by high school students. The essay awarded first place — *Jackson's Administration of Florida*, by Anna Clark, is also printed.

The five papers included in *The American Historical Review* for July are the following: *Good Queen Bess*, by Conyers Read; *The South Sea Company and Contraband Trade*, by E. Malcolm Carroll;

Calhoun, 1812, and After, by Nathaniel W. Stephenson; and *The Background of the Beginnings of Swedish Immigration, 1850-1875*, by George M. Stephenson. In addition Herbert Wallace Schneider contributes *A Note on the Samuel Johnson Papers*, and Waldo G. Leland *The International Committee of Historical Sciences*. Under *Documents* is *Commerce Between France and the United States, 1783-1784*, with an introduction by Henri See.

Volume one of *Studies and Records of the Norwegian-American Historical Association*, recently issued, contains the following papers and articles: *Health Conditions and the Practice of Medicine Among the Early Norwegian Settlers, 1825-1865*, by Knut Gjerset and Ludvig Hektoen; *The Norwegian Quakers of 1825*, by Henry J. Cadbury; *Bishop Jacob Neumann's Word of Admonition to the Peasants*, translated and edited by Gunnar J. Malmin; *Norwegians in the West in 1844: A Contemporary Account*, by Johan R. Reiersen, translated and edited by Theodore C. Blegen; *An Emigrant Voyage in the Fifties*, by H. Cock-Jensen; *Reminiscences of a Pioneer Editor*, by Carl Fredrik Solberg, edited by Albert O. Barton; and *The Norwegian-American Historical Association*, by D. G. Ristad.

WESTERN AMERICANA

The Santa Fe Fiesta of 1925 is described in the issue of *El Palacio* for July 1, 1926. The Fiesta for 1926 was held on August 4-7.

The Early Theatre in Grand Forks, by W. P. Davies, is a paper of historical interest in the March number of *The Quarterly Journal of the University of North Dakota*.

The *Annals of Wyoming* for July contains the *Autobiography of William K. Sloan*, and a sketch of Mrs. Mary A. Garrett, a pioneer woman of Wyoming, written by her husband, T. S. Garrett.

Michigan Under British Rule: Law and Law Courts, 1760-1796, a volume by William Renwick Riddell, has recently been

published by the Michigan Historical Commission. The author is a justice of the Supreme Court of Ontario.

The Illinois State Historical Library has recently published a volume of *George Rogers Clark Papers, 1781-1784*, edited by James Alton James. This is the fourth volume in the *Virginia Series* and the nineteenth in the *Collections of the Illinois State Historical Library*.

The September issue of *The Georgia Historical Quarterly* contains the following articles: *The Restoration of the Spanish Missions in Georgia, 1598-1606*, by Mary Ross; and *Some of the Drug Conditions During the War Between the States, 1861-1865*, by Joseph Jacobs.

The *Indiana Magazine of History* for June contains the following articles and papers: *The Last Pioneer Governor of Indiana—"Blue Jeans" Williams*, by Howard R. Burnett; *Narratives of George Knight Hester and Benec Hester*; *Prairie Flowers of Benton County*, by Mary H. Pelton; *John I. Morrison*, by Annie Morrison Coffin; *James F. D. Lanier*, by George S. Cottman; and *The Grave of David Elkin*, by Louis A. Warren.

Peter A. Dey, of Iowa City, is the subject of the article on *The Founders and Builders of The Rock Island*, by L. O. Leonard, in the June number of the *Rock Island Magazine*. The July installment is on Ebenezer Cook, of Davenport, and the September issue contains a sketch of General Grenville M. Dodge, also by L. O. Leonard.

Henry S. Spalding is the compiler of *The Life of James Marquette* which appears in the July issue of the *Illinois Catholic Historical Review*. *From Chicago to St. Louis in the Early Dawn of Western History*, by John Rothensteiner; and *Heroes of America's Origins*, by Victor J. Dowling, are other articles in this number.

Charles Durwin Parker, by Grant Showerman; *The Origins of Milwaukee College*, by Louise Phelps Kellogg; a continuation of *William Penn Lyon*, by Clara Lyon Hayes; *The Wisconsin Press and Slavery*, by Kate Everest Levi; *Historic Spots in Wisconsin*—

Voree, by W. A. Titus; and *Early Lumbering on the Chippewa*, by Bruno Vinette, are the articles and papers in *The Wisconsin Magazine of History* for July.

A continuation of *New Mexico in the Great War — The Women's Part*; *The Second Spanish Expedition*, by J. Lloyd Mechem; a continuation of *The Founding of New Mexico*; *The Influence of Weapons on New Mexico History*, by F. S. Curtis, Jr; *Po-Se*, by Adolph F. Bandelier; and *The Last Word on "Montezuma"*, by Benjamin M. Read, are the papers in *The New Mexico Historical Review* for July.

The Correspondence of John Cleves Symmes Founder of the Miami Purchase, edited by Beverley W. Bond, Jr., is an attractive volume of some three hundred pages, recently published by the Historical and Philosophical Society of Ohio. The letters contain forceful and pertinent comments on the affairs of the Old Northwest from 1788 to 1881 and are especially valuable for the information concerning the selection of land on land warrants.

The Quarterly of the Oregon Historical Society for June contains the following articles: *The Columbia River Historical Expedition*, by F. G. Young; *Articles in the Oregon Historical Quarterly Relating to the Columbia River, Settlement of Astoria, Lewis and Clark Expedition*, compiled by Nellie B. Pipes; *An Interview With the Late Hon. Binger Hermann on December 1, 1925*, by Charles H. Carey; and part three of *Oregon Geographic Names*, by Lewis A. McArthur.

The three articles which are included in the September issue of *The Mississippi Valley Historical Review* are the following: *Western Radicalism in American Politics*, by James Albert Woodburn; *The Five Nations and Queen Anne*, by William Thomas Morgan; and *The Notion of a Great American Desert East of the Rockies*, by Ralph C. Morris. This number also contains *The St. Joseph Baptismal Register*, edited by George Pare and M. M. Quaife, and *The Nineteenth Annual Meeting of the Mississippi Valley Historical Association*, by Bruce E. Mahan.

Diary of a Texan Volunteer in the Mexican War, by James K. Holland; *The Mineral Land Question in California, 1848-1866*, by Joseph Ellison; *Captain Jesus Cuellar, Texas Cavalry, Otherwise "Comanche"*, by Herbert Davenport; *Mexico as a Field for Systematic British Colonization, 1839*, by Annie Heloise Abel; and the twentieth and final installment of *The Bryan-Hayes Correspondence*, edited by E. W. Winkler, are the papers and articles in the July issue of *The Southwestern Historical Quarterly*.

The Telephone in Wisconsin; and *Wisconsin History in Wisconsin Schools*, by E. G. Doudna, are two papers of historical interest in *The Wisconsin Magazine* for June. The July number contains, among other articles, the following: *City Named After Early Governor Was Center of Early Lead Mining*, by Edward J. Sobey; and *Buffalo Days in Wisconsin*, by W. E. Martner. *A History of North Wisconsin*, by C. H. Crownhart; *The Yesterday of "Day-cho-lah"*, by Mary E. Baird; and *Romantic Lead*, by E. J. Stannard, are among the contributions in the August number.

The July issue of *The Washington Historical Quarterly* contains five articles: *The Columbia River Historical Expedition*, by Donald MacRae; *History of Pig Iron Manufacture on the Pacific Coast*, by Joseph Daniels; *Recollections of the Inland Empire*, by Ben Burgunder; *History of the Seattle General Postoffice*, by Nicholas C. Cullinan; and *Some Notes and Observations on the Origin and Evolution of the Name of Oregon as Applied to the River of the West*, by William S. Lewis. There is a continuation of the *Diary of Wilkes in the Northwest*.

The Great Northern Railway has recently issued a number of attractive pamphlets on the history of the Northwest. These include *The Verendrye Overland Quest of the Pacific*, by Grace Flandrau, reprinted from *The Quarterly of the Oregon Historical Society*; *Chief Joseph's Own Story*, reprinted from the *North American Review*, with a foreword by Donald MacRae; *The Story of Marias Pass*, by Grace Flandrau; *A Glance at the Lewis and Clark Expedition*, also by Grace Flandrau; and *Fort Union and Its Neighbors on the Upper Missouri*, by Frank B. Harper. Some of these include maps of the region.

History of Mississippi The Heart of the South, a two volume work by Dunbar Rowland, has been published recently by the S. J. Clarke Publishing Company. The first volume contains the chapters dealing with the history of the State down to the period of the Civil War; the second volume continues this narrative down to 1924 with additional chapters on special features of State history, such as the Judiciary, Education, Industries, Transportation, Banking, Slavery, the Press, with five chapters on the Counties of Mississippi. The books are attractively printed and bound.

The July number of the *Michigan History Magazine* contains the following papers: *Legend of the Trailing Arbutus*, by Charles E. Belknap; *Recollections of Early Days at Mackinac*, by Grace F. Kane; *What the Indians Knew About Manistique and Schoolcraft County*, by William F. Gagnieur; *The "Hutchins" Map of Michigan*, by William L. Jenks; *About Museums: More or Less*, by Marcella De Cou; *The Ford Historical Collections at Dearborn*, by Henry A. Haigh; *The Old Mottville Bridge*, by Dana P. Smith; *Mackinackers*, by Ivan Swift; and *Stories of St. Helena Island*, by Marion Morse Davis.

Some Recollection of George Caleb Bingham, by C. B. Rollins; *Marion College and Its Founders*, by F. A. Sampson; *General John B. Clark*, by C. H. Magee; *The Most Historic Lot in Old St. Charles*, by Ben L. Emmons; *The Arrow Rock Tavern*, by Sarah Guitar; *Personal Recollection of Distinguished Missourians — Claiborne F. Jackson*, by Daniel M. Grissom; *Little Visits with Literary Missourians — Orrick Johns*, by Catharine Cranmer; and a sixth installment of *The Liberal Republican Movements in Missouri*, by Thomas S. Barclay, are the articles and papers in *The Missouri Historical Review* for July.

The January number of the *Journal of the Illinois State Historical Society* contains the following papers and articles: *Days in the Lincoln Country*, by Edgar Lee Masters; *Diary of Colonel William Camm, 1861 to 1865*, compiled and edited by Fritz Haskell; *Biography of Dad Joe Smith*, by Mrs. Frank Coulter, Ella Smith Young, and Catherine Coulter; *The First Permanent Settlement in Hancock County, Illinois*, by Calvin S. Sifferd, Jr.,

An Elastic Sod House, by Lydia Colby; and *The Old Mills of Sangamon County*, by Mrs. Anthony W. Sale. There are also brief accounts of the men for whom Henry, Putnam, and Warren counties were named — Patrick Henry, Gen. Israel Putnam, and Joseph Warren, all by William R. Sandham.

IOWANA

David Sands Wright, Director of Religious Education in the Iowa State Teachers College, is the author of a book on ethics entitled *Bible Ethics For School and Home*.

James W. Grimes Versus the Southrons, by F. I. Herriott, an account of the Iowa gubernatorial campaign of 1854; *Specimen Lists of Iowa Men and Women Lost in the World War*, by Edgar R. Harlan; and a continuation of *Benjamin F. Pearson's War Diary* are the three contributions in the *Annals of Iowa* for July. This also contains an historical sketch of the battleship *Iowa* and a description of its silver service.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

The Cutters. New York: D. C. Appleton Co. 1926.

Woman Who Was Forgotten (American Magazine, June, 1926).

Anderson, A. L.,

Pork Production in Iowa (Bulletin of Iowa State Institutions, January, 1926).

Aurner, Nellie Slayton,

Caxton. London: Philip Allan & Co., Ltd. 1926.

Baldwin, W. W.,

The Beginnings of the Iowa Law School (Bulletin of the State University of Iowa, No. 372, October 9, 1926).

Banta, George S.,

The State Board of Control and the State Legislature (Bulletin of Iowa State Institutions, January, 1926).

Beer, Thomas,

The Mauve Decade. New York: Alfred A. Knopf. 1926.

Benjamin, Gilbert Giddings,

German and French Socialists and the Agrarian Question
(Reprinted from The Journal of Political Economy, June, 1926).

Brennan, Flora Mercer,

The Relation Between Musical Capacity and Performance
(University of Iowa Studies in Psychology, No. IX).
A Report of Three Singing Tests Given on the Tonoscope
(University of Iowa Studies in Psychology, No. IX).

Brigham, Johnson,

Iowa in the Field of English Literature (Midland Schools, September, 1926).

Brindley, John E., (Joint author)

Iowa as a Manufacturing State (Iowa State College Engineering Experiment Station Bulletin No. 78).

Brown, Bernice,

Boul' Celeste (Collier's, May 22, 1926).

Brown, Charles Reynolds,

These Twelve; A Study in Temperament. New York: Century Co. 1926.

Where Do You Live? New Haven: Yale University Press. 1926.

Bryson, B. R.,

Iowa Courts and State Institutions (Bulletin of Iowa State Institutions, April, 1926).

Butler, Ellis Parker,

Montana Golf (The Saturday Evening Post, June 26, 1926).

Carver, Thomas Nixon,

Have We Wasted Fifty Years? (World's Work, July, 1926).
Prohibition and Prosperity (The North American Review, September-November, 1925).

- Catt, Carrie Chapman,
Friction in International Opinion (The Annals of the American Academy of Political and Social Science, July, 1926).
- Colby, H. E.,
Dairying and State Institutions (Bulletin of Iowa State Institutions, April, 1926).
- Cook, Wayne G.,
Effect of Code Revision on Change of Venue in Municipal Courts (Iowa Law Bulletin, June, 1926).
- Crawford, Nelson Antrim,
The New England Farm Comes Back (The Nation, August 25, 1926).
- Davis, Mildred G., (Joint author)
The Relation between Faulty Speech and Lack of Certain Musical Talent (University of Iowa Studies in Psychology, No. X).
- Erickson, Carl I.,
The Basic Factors of the Human Voice (University of Iowa Studies in Psychology, No. X).
- Eriksson, Erik McKinley,
Minor Prophets of Anti-Masonry (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., June-July, 1926).
- Evans, Harry C.,
The American Poorfarm and Its Inmates. Published by The Loyal Order of Moose, The Brotherhood of American Yeoman, The Maccabees, The Supreme Tribe of Ben Hur, and the American Insurance Union. 1926.
- Farran, Don,
The Little Road (poem) (Des Moines Register, August 22, 1926).
- Fuller, Frank M.,
Goitre (Bulletin of Iowa State Institutions, April, 1926).

Goff, Charlotta,

Some Phases of Placement Work (Bulletin of Iowa State Institutions, April, 1926).

Hall, James Norman,

On the Stream of Travel. Boston: Houghton Mifflin Co. 1926.

Harrington, Lloyd,

The Schools As Viewed by Organized Labor (Midland Schools, September, 1926).

Herrick, Marvin T.,

The Early History of Aristotle's Rhetoric in England (Philological Quarterly, July, 1926).

Herriott, F. I.,

James W. Grimes Versus the Southrons (Annals of Iowa, July, 1926).

Huebsch, Walter M.,

Erect Modern Super-Power Plant (Iowa Engineer, June, 1926).

Hunt, C. C.,

Masonic Burial (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., September, 1926).

Hurd, Edgar B., (Joint author)

Farm Organization and Farm Profits in Tama County, Iowa (Iowa State College Agricultural Experiment Station Bulletin, No. 88).

Johnson, Leona,

Home Economics: Past, Present and Applied (Bulletin of Iowa State Institutions, January, 1926).

Knight, Nicholas,

Cornell (The Christian Student, May, 1926).

Kwalwasser, Jacob.

The Vibrato (University of Iowa Studies in Psychology, No. IX).

Ladd, H. S., (Joint author)

Additional Cystoids and Crinoids from the Maquoketa Shale of Iowa (State University of Iowa Studies in Natural History, Vol. XI, No. 8).

Levine, Max, (Joint author)

Bacteria in Creamery Wastes (Iowa State College Engineering Experiment Station Bulletin No. 77).

Lugn, A. L.,

Methods of Collecting Sediment Samples from the Mississippi River (State University of Iowa Studies in Natural History, Vol. XI, No. 8).

A Theory of Origin of Some Limestone Masses and Septaria (State University of Iowa Studies in Natural History, Vol. XI, No. 8).

Luke, Lou Mallory,

Wounded (Will-o-the-Wisp, July, 1926; The Des Moines Register, July 4, 1926).

Manning, Truman W., (Joint author)

Iowa as a Manufacturing State (Iowa State College Engineering Experiment Station Bulletin No. 78).

Markley, J. E. E.,

Chancellor Hammond (Bulletin of the State University of Iowa, No. 372, October 9, 1926).

Metfessel, Milton,

Technique for Objective Studies of the Vocal Art (University of Iowa Studies in Psychology, No. IX).

Murphy, Donald R.,

The Corn Belt's Next Move (The New Republic, July 28, 1926).

Santa Fe, Santa Barbara, and Des Moines (The Des Moines Register, August 29, 1926).

Absurdities in Criminal Procedure (Iowa Law Review, June, 1926).

Quaife, M. M.,

The Story of Brownstown (Burton Historical Collection Leaflet, May, 1926).

Ricker, Helen, (Elswyth Thane)

Echo Answers. New York: Frederick A. Stokes Co. 1926.

Robinson, Benjamin W.,

An Experimental Study of Certain Tests as Measures of Natural Capacity and Aptitude for Typewriting (University of Iowa Studies in Psychology, No. X).

Rowley, Scott,

Rate-making and The Ownership and Financing of Railways, (Iowa Law Bulletin, June, 1926).

Russell, Charles Edward,

Julia Marlowe, Her Life and Art. New York: D. C. Appleton and Co. 1926.

Take Them or Leave Them (The Century, June, 1926).

Ryan, Calvin T.,

Thomas Jefferson, Author (The Des Moines Register, July 4, 1926).

Schultz, Victor,

Poems by Two Pessimistic Novelists (The Des Moines Register, September 5, 1926).

Seagrave, Sadie,

Prairie Tableau (poem) (Stepladder, July, 1926; The Des Moines Register, September 5, 1926).

Seashore, Carl E.,

The Individual in Mass Education (Reprinted from School and Society, May 8, 1926).

Seashore, Robert Holmes,

Studies in Motor Rhythm (University of Iowa Studies in Psychology, No. IX).

Sigmund, Jay G.,

Iowa (poem) (The Des Moines Register, July 11, 1926).

Prairie Husband (poem) (Overland, June, 1926).

- Simon, Clarence,
The Variability of Consecutive Wave-lengths in Vocal and Instrumental Sounds (University of Iowa Studies in Psychology, No. IX).
- Sly, John F.,
Contemporary Town Meeting Government in Massachusetts (National Municipal Review, August, 1926).
- Soppeland, Lulu, (Joint author)
Bacteria in Creamery Wastes (Iowa State College Engineering Experiment Station Bulletin No. 76).
- Spangler, M. G.,
A Preliminary Experiment on the Supporting Strength of Culvert Pipes in an Actual Embankment (Iowa State College Experiment Station Bulletin No. 76).
- Stefansson, Vilhjalmur,
What Amundsen Has Proved (World's Work, July, 1926).
- Stevenson, W. H.,
A System of Soil Management for Iowa Soils (Bulletin of Iowa State Institutions, April, 1926).
- Stone, T. H.,
The Wayward Boy, Why Is He (Bulletin of Iowa State Institutions, April, 1926).
- Suckow, Ruth,
Iowa (The American Mercury, September, 1926).
Literary Soubrettes (Bookman, July, 1926).
- Tankersley, B. O.,
The Juvenile Delinquent (Bulletin of Iowa State Institutions, January, 1926).
- Tatsch, J. H.,
Unauthenticated Accounts of Early American Freemasonry (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., September, 1926).

Taylor, Clifford C., (Joint author)

Farm Organization and Farm Profits in Tama County, Iowa
(Iowa State College Agricultural Experiment Station Research Bulletin, No. 88).

Thomas, A. O., (Joint author)

Additional Cystoids and Crinoids from the Maquoketa Shale of Iowa (State University of Iowa Studies in Natural History, Vol. XI, No. 8).

Travis, Lee Edward,

A Phono-Photographic Study of the Stutterer's Voice and Speech (University of Iowa Studies in Psychology, No. IX).
The Relation between Faulty Speech and Lack of Certain Musical Talents (University of Iowa Studies in Psychology, No. X).

Travis, Roland C.,

The Diagnosis of Character Types by Visual and Auditory Thresholds (University of Iowa Studies in Psychology, No. X).

A Phenomenon in Vision Similar to Refractory Phase (University of Iowa Studies in Psychology, No. X).

Van Vechten, Carl,

Nigger Heaven. New York: Alfred A. Knopf. 1926.

Voldeng, M. N.,

Legislative History of the Hospital for Epileptics and School for Feeble-minded (Bulletin of Iowa State Institutions, January, 1926).

Wade, Martin J.,

The "Snowbird". Published by the author. 1926.

Wright, David Sands,

Bible Ethics For School and Home. Cedar Falls, Iowa: The Record Press. 1926.

Wright, George G.,

Judge Wright and His Contemporaries (Bulletin of the State University of Iowa, No. 372, October 9, 1926).

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

The story of Hill's Mill, in the *Marshalltown Times-Republican*, June 19, 1926.

Complete history and data of the war with Spain, Cuba, and Philippine Insurrection, in the *Clinton Herald*, June 21, 1926.

The most remarkable one hundred day war in history, by R. N. Stanfield, in the *Clinton Herald*, June 21, 1926.

A history of the *Cascade Pioneer*, in the *Cascade Pioneer*, June 23, 1926.

Concerning the Mormon trail, by S. A. Burgess, in the *Des Moines Register*, June 27, 1926.

Albert Baird Cummins, eighteenth Governor of Iowa, by R. B. Fisher, in the *Rockwell City Republican*, July 1, 1926, and the *Des Moines Plain Talk*, July 22, 1926.

Early fourth of July programs, in the *Monticello Express*, July 1, 1926.

The story of Lynn Grove Township, winter in pioneer days, the famous underground railroad, how Lynnville received mail in pioneer days, farm machinery of the pioneers, the great Indian scare in 1846, and the terrible winter of 1856, in the *Newton Record*, July 1, 1926.

Early telephone days recalled, in the *Lamoni Chronicle*, July 1, 1926.

Early history of Roscoe Township in Davis County, in the *Bloomfield Democrat*, July 1, 1926.

Francis M. Drake, sixteenth Governor of Iowa, in the *Des Moines Plain Talk*, July 1, 1926.

Civil War veterans of Jackson County, in the *Jackson Sentinel*, July 2, 1926.

Business men's clubs of former days, in the *Keokuk Citizen*, July 2, 1926.

Reminiscences of pioneer days, in the *Cedar Falls Record*, July 3, 1926.

The story of Icaria, in the *Council Bluffs Nonpareil*, July 8, 1926.

Reminiscences of a veteran actor, Edwin Forrest Clarke, in the *Cedar Rapids Gazette*, July 8, 1926.

An old Iowa mill, in the *Mount Pleasant News*, July 8, 1926.

Sketch of the career of E. K. Mather, an early settler, in the *Laurens Sun*, and the *Pocahontas Record*, July 8, 1926.

Leslie M. Shaw, seventeenth Governor of Iowa, by R. B. Fisher, in the *Des Moines Plain Talk*, July 8, 1926.

A letter from Iowa in 1853, in the *Decatur County Journal*, July 8, 1926, and the *Lamoni Chronicle*, July 18, 1926.

The early history of Floyd Township, Woodbury County, in the *Moville Mail*, July 8, 1926.

Sketch of the life of Henry M. Bray, Grinnell pioneer, in the *Grinnell Herald*, July 9, 1926.

Mark Twain and the Keokuk directory, in the *Des Moines Register*, July 11, 1926.

Reminiscences of early days near Woodward, by James T. Morse, in the *Boone Republican*, July 15, 1926.

Judge George W. Crozier's political reminiscences, in the *Knoxville Journal*, July 15, 1926.

The Fox Indians of Tama, in the *Osceola Sentinel*, July 15, 1926.

The first prayer in Congress, in the *Clarinda Journal*, July 15, 1926.

Reminiscences of steamboat days on the Mississippi, by Captain F. A. Whitney, in the *Burlington Post*, July 17, 31, August 14, 1926.

The story of Ida Smith, first white child born in Ida County, by Gertrude Henderson, in the *Sioux City Journal*, July 18, 1926, and the *Ida Grove Pioneer*, July 21, 1926.

How Grenville M. Dodge advised General George Custer against Indian warfare, in the *Des Moines Register*, July 18, 1926.

Warren Garst, nineteenth Governor of Iowa, in the *Rockwell City Republican*, July 22, 1926, and the *Des Moines Plain Talk*, July 29, 1926.

Early days in Montrose, by J. P. Kennedy, in the *Montrose Journal*, July 22, August 26, 1926.

Reminiscences of early days by Osceola pioneers, in the *Osceola Sentinel*, July 22, 1926.

A prehistoric village in Sioux Township, Lyon County, in the *Osceola County Tribune*, July 22, 1926, the *Estherville Vindicator and Republican*, July 28, 1926.

History of Schaller, in the *Schaller Herald*, July 22, 1926.

Early roads in Iowa, in the *Shenandoah Sentinel*, July 23, 1926.

The grasshopper invasion of 1877, by James Clarking, in the *Ute Independent*, July 23, 1926.

Sketch of the career of Robert Perry, first white settler in Cherokee County, in the *Cherokee Times*, July 23, 1926.

Ezra Meeker and the Oregon Trail, in the *Cedar Rapids Gazette*, July 24, 1926.

Sketch of the career of Henry A. Dee, Poweshiek County pioneer, in the *Grinnell Herald*, July 27, 1926.

Origin of names of Iowa counties, in the *Clinton Herald*, July 27, 1926, the *Elkader Register*, July 29, 1926, the *Atlantic News*, August 2, 1926, the *Audubon Advocate*, August 5, 1926, and the *Osage News*, August 26, 1926.

Iowa's first capitol, in the *Greene Record*, July 28, 1926.

The old Cherokee fort, in the *Cherokee Times*, July 30, 1926.

How kids of 1846 amused themselves, in the *Keokuk Citizen*, July 30, 1926.

The career of Aaron Burr, in the *Chariton Leader*, August 3, 1926.

The blizzard of 1865, in the *Estherville Enterprise*, August 4, 1926.

Mahaska County's first school, in the *Fremont Gazette*, August 5, 1926.

Beryl F. Carroll, twentieth Governor of Iowa, in the *Rockwell City Republican*, and the *Des Moines Plain Talk*, August 5, 1926.

Three pioneers of Davis County, John Taylor, David Creighton, and R. G. Campbell, in the *Bloomfield Democrat*, August 5, 1926.

Indian mounds near Lehigh, in the *Lehigh Argus*, August 5, 1926.

The story of Old North Church, in the *Lake City News*, August 5, 1926.

Pioneer days in Providence Township, Hardin County, by Frank T. Clappitt, in the *Eldora Herald*, August 5, 12, 19, 26, 1926.

Early settlers in the lake region of Iowa, in the *Spirit Lake Beacon* August 5, 12, 1926.

Early man in Iowa, in the *Mason City Globe-Gazette*, the *Cedar Rapids Gazette*, the *Davenport Democrat*, the *Centerville Iowegian*, August, 6, 1926, and the *Creston Advertiser*, the *Ottumwa Courier*, and the *Fort Dodge Messenger*, August 7, 1926.

History of navigation on the Des Moines River, by Jasper Blines, in the *Burlington Post*, August 7, 1926.

Early days at Shellsburg as told by Phoebe Penrose, in the *Cedar Rapids Republican*, August 8, 1926.

Andrew Jackson's duel with Charles Dickinson, in the *Chariton Leader*, August 10, 1926.

Early days at Pulaski, in the *Bloomfield Democrat*, August 12, 1926.

George W. Clarke, twenty-first Governor of Iowa, in the *Des Moines Plain Talk*, August 12, 1926.

The historic shrine of Old Vincennes, in the *Glenwood Opinion*, August 12, 1926.

Pioneer days of Iowa, in the *Odebolt Chronicle*, August 12, 1926.

Evolution of the Maquoketa schools, in the *Jackson Sentinel*, August 13, 1926.

A trip over a plank road in 1855, in the *Keokuk Citizen*, August 13, 1926, and the *Burlington Post*, August 14, 1926.

The famous steamboat race between the *Robert E. Lee* and the *Natchez*, in the *Davenport Democrat*, August 15, 1926.

Campaigning with General Alfred Sully, by Gertrude Henderson, in the *Sioux City Journal*, August 15, 1926.

Cass County men in the Spanish-American War, in the *Atlantic News-Telegraph*, August 16, 1926.

Newburg's famous saloons, in the *Grinnell Herald*, August 17, 1926.

The story of early days near Jefferson, in the *Jefferson Bee*, August 18, 1926.

Old Fort Atkinson and its guardian, by Karl Von Lackum, in the *Waterloo Courier*, August 18, 1926.

History of Center Township, Henry County, in the *Mount Pleasant News*, August 18, 1926.

Dubuque as described in an old railroad directory of 1869, in the *Dubuque Times-Journal*, August 19, 1926.

William L. Harding, twenty-second Governor of Iowa, in the *Rockwell City Republican*, August 19, 1926.

A Revolutionary War veteran buried at Albia, in the *Albia Union-Republican*, August 19, 1926.

Thomas Nicholson, first settler at Hopkinton, in the *Hopkinton Leader*, August 19, 1926.

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Early history of banking in Bremer County, in the *Waverly Independent-Republican*, August 19, 1926.

When grasshoppers stopped trains in northwest Iowa, by H. C. Harper, in the *Storm Lake Pilot-Tribune*, August 19, 1926.

Sketch of the life of Rebecca Ann Lock, a resident of Davis County for eighty years, in the *Bloomfield Democrat*, August 19, 1926.

Story of the settlement of Cherokee County, in the *Cherokee Times*, August 20, 1926.

The battle of Athens, in the *Keokuk Citizen*, August 20, 1926.

Memoirs of Captain Sam R. Van Sant, in the *Burlington Post*, August 21, 28, 1926.

Sioux City and the Black Hills gold rush in 1874, by Gertrude Henderson, in the *Sioux City Journal*, August 22, 1926.

A trip to Iowa in 1853, by Hattie M. Rice, in the *Dewitt Observer*, August 26, 1926.

The story of the Dewitt courthouse bell, by Helen Latham Dahn, in the *Dewitt Observer*, August 26, 1926.

Nate E. Kendall, twenty-third Governor of Iowa, in the *Rockwell City Republican*, August 26, 1926.

Early settlement of Black Hawk County, in the *Waterloo Courier*, August 26, 1926.

Reminiscences of George T. Loy, a resident of Page County for seventy years, in the *Clarinda Herald*, August 30, 1926.

History of Garden Prairie Church, in the *Oelwein Daily Register*, August 30, 1926.

A short history of the town of Newbern, in the *Chariton Leader*, August 30, 1926.

HISTORICAL ACTIVITIES

The State Historical Society of Wisconsin has recently issued the *Proceedings of the Society at Its Seventy-third Annual Meeting*. This was held at Madison on October 15, 1925.

Doane Robinson, formerly superintendent of the Department of History of South Dakota, has published an *Encyclopedia of South Dakota*. This is an alphabetically arranged collection of information concerning the leaders, history, literature, geography, and science of South Dakota.

The Missouri Historical Society of St. Louis has recently published a *Year Book* for 1926. This is an attractively bound volume of some two hundred pages and contains valuable information concerning the Society, its members, and its work.

The fifth annual "historic tour" sponsored by the Minnesota Historical Society occurred on June 16, 1926. The group left St. Paul, visiting Sibley House at Mendota, Castle Rock, Northfield, Faribault, Madison Lake, and Mankato. At Castle Rock Frank E. Balmer gave a talk on "The Farmer and Minnesota History". The program at Mankato on June 17th included the following papers and addresses: "Pioneers of Southwestern Minnesota: The Story of My Grand Parents", by Fern Johnson, a high school pupil; "Some Experiences of a Soldier in the Sibley Expedition: From the Journal of Henry J. Hagadorn", by John P. Prichett; "The Historical Backgrounds of Mankato and Its Vicinity", by Thomas Hughes; "Southern Minnesota: How Manuscripts Tell Its Story", by Grace Lee Nute; and "Progress and Politics: A View of Minnesota in the Early Seventies", by William Watts Folwell. There was a luncheon conference on the promotion of local historical work in Minnesota, Judge Lorin Cray presiding.

IOWA

The Lion's Club of Charles City sponsored a pageant of the

early history of the region. This was given on August 24 and 25, 1926.

H. S. Jones of Spencer, Iowa, is at work on two volumes relating to Iowa history. One is a collection of personal reminiscences; the other a history of Clay County.

A boulder marking the birthplace of William L. Harding, former Governor of Iowa, was put in place on July 12, 1926, in the corner of the Harding lawn in Goewey Township, Osceola County.

Balliet Chapter, D. A. R., of Mount Vernon held services on June 30, 1926, at the city hall of that place. Markers were placed upon the graves of Jerusha Nelson Witter and Mary Ide Mason.

On June 20, 1926, the Daughters of the American Revolution dedicated a monument marking the grave of Joanna Matthews Bond, a daughter of a Revolutionary soldier, who is buried at Richland. Mrs. Daise Schipfer gave the address.

The Hawkeye Natives and Auxiliary held their annual picnic at Crapo Park, Burlington, on September 15, 1926. Alex Miller was the principal speaker. This was the twenty-first anniversary of this organization of pioneers.

The second annual meeting of the Wyoming Historical Society was held on August 5, 1926. John Morse was elected president for the ensuing year; Fannie Franks, recording secretary; Mrs. Mae Johnson Peck, corresponding secretary; and Emma A. Alden, treasurer.

Winneshiek County staged a pageant showing episodes of local history on July 4 and 5, 1926. The picture begins with a village of the Winnebago Indians and ends with the return of the Winneshiek County soldiers at the close of the World War.

Old settlers of Mills, Fremont, and Pottawattamie Counties held their annual picnic at Glenwood on August 20, 1926. Henry Smith of Macedonia was named president for next year, and Mrs. H. K. Dye secretary. The meeting in 1927 will be held at Macedonia. The meeting this year is the fortieth annual reunion of the pioneers of this region.

The Okamanpedan Chapter of the Daughters of the American Revolution at Estherville provided a marker in the Okamanpedan Park locating the spot on the Mankato — Sioux City military trail where T. W. Sherman, a major in the United States army, camped in 1858, on his way from Fort Leavenworth, Kansas, to Fort Ridgely, Minnesota.

A pageant of Black Hawk County history, prepared under the auspices of the Cedar Falls Woman's Club, was given at Cedar Falls on July 5 and 6, 1926. One episode dealt with the Indian chief Black Hawk. The second episode presented pictures of early white settlements, the third the settlement of Cedar Falls. A quilting bee, the coming of the Danes, beginning of the Civil War, and somewhere in France were other scenes depicted.

The Ida County Farm Bureau was in charge of the historical pageant of Ida County given at Ida Grove on July 2 and 3, 1926. The Indians and the pioneers were represented in the earlier episodes and various historical events of the county were depicted. Representatives from various townships were in charge of these scenes which included a spectacular reproduction of a World War attack in which several hundred men took part, using flares and bombs.

The Dallas County Farm Bureau was the sponsor of the historical pageant given at Adel on August 19, 1926. Indians from the reservation at Tama presented the first scene. A reproduction of Blashfield's mural painting "Westward" and a treaty with the Indians made up the second scene. Seven townships gave the remaining scenes, each furnishing a dramatic representation of some events in the history of Dallas County.

An historical pageant depicting the events in Clayton County was given at Elkader on July 15 and 16, 1926. It was under the direction of Mrs. B. L. Thurston of Chicago and the cast included some four hundred persons. A Winnebago village scene, the first settlement on Turkey River, recruiting during the Civil War, and scenes representing the departure and return of the soldiers of the World War were features of the pageant. The proceeds went to the Elkader fair association.

The elaborate silver service presented to the battleship *Iowa* when it went into commission in 1896 was recently returned to Iowa and on June 1, 1926, was installed among the collections of the Historical, Memorial and Art Department of Iowa. The *Iowa* went into service in 1896, and took a prominent part in the Spanish-American War. On March 22, 1923, the old battleship was sunk during fleet target practice.

THE STATE HISTORICAL SOCIETY OF IOWA

Miss Helen J. Wylie, a graduate of the New York State Library School, joined the library staff of the State Historical Society on July 1, 1926.

A revised list of the members of the Board of Curators selected by the Governor gives the names of Mrs. Edna Paschal and Mrs. Wendell Huston in place of Mrs. C. W. Britton and Mrs. W. L. Harding.

On August 17, 1926, Dr. Ruth A. Gallaher, Research Librarian of The State Historical Society of Iowa, gave a talk before the convention of the League of Iowa Municipalities at Carroll, Iowa, on the subject "Proposed Researches in Municipal Government and Administration in Iowa".

Bruce E. Mahan, Associate Editor of The State Historical Society, gave the address at the meeting of the old settlers of Hardin County in the Elerding grove, southwest of Eldora, on August 22, 1926. His subject was "Some Dramatic Episodes in Early Iowa History".

The following persons have recently been elected to membership in the Society: Mr. Howard H. Cherry, Cedar Rapids, Iowa; Mr. Dwight E. Crawford, Gladbrook, Iowa; Mr. H. J. Dane, Iowa City, Iowa; Mr. C. C. Dowell, Des Moines, Iowa; Mr. W. C. Eastland, Clinton, Iowa; Mr. Joseph R. Frailey, Fort Madison, Iowa; Dr. C. H. Graening, Waverly, Iowa; Mr. Dwight Lewis, Des Moines, Iowa; Mr. J. W. Long, Ames, Iowa; Mr. William B. Martin, Dubuque, Iowa; Mr. J. G. Merritt, Glidden, Iowa; Mr. J. L. Oakes, Davenport, Iowa; Mr. R. H. Richardson, Mason City, Iowa; Miss

Agnes Samuelson, Iowa City, Iowa; Mr. Leonard Simmer, Ottumwa, Iowa; Mr. Robert W. Turner, Council Bluffs, Iowa; Mr. P. V. Alexander, Guthrie Center, Iowa; Mr. Ira Arch, Council Bluffs, Iowa; Mr. Edmund L. Brown, Des Moines, Iowa; Mr. G. B. Bywater, Garwin, Iowa; Dr. J. B. Bywater, Stratford, Iowa; Mr. Harry E. Eaton, Des Moines, Iowa; Mr. John C. Glenn, Sheffield, Iowa; Mr. Harold D. Peterson, Fort Dodge, Iowa; Mrs. Minnie Wiese, Lone Tree, Iowa. The following persons have recently been elected to life membership in the Society: Mr. C. R. Aurner, Iowa City, Iowa; Dr. Fred W. Bailey, Cedar Rapids, Iowa; Mr. W. E. Biekel, Vinton, Iowa; Mr. H. H. Carter, Corydon, Iowa; Mr. Simon Casady, Des Moines, Iowa; Mr. Walter E. Coffin, Des Moines, Iowa; Dr. G. D. Darnall, West Union, Iowa; Mr. Brode B. Davis, Chicago, Illinois; Mr. A. H. Davison, Des Moines, Iowa; Mr. M. F. Edwards, Parkersburg, Iowa; Mr. J. A. Henderson, Jefferson, Iowa; Miss Anna M. Klingenhagen, Oberlin, Ohio; Mr. C. H. McNider, Mason City, Iowa; Mr. James R. MeVieker, Iowa City, Iowa; Mr. Earl E. Mason, Webster City, Iowa; Mr. Chas. S. Medbury, Des Moines, Iowa; Mr. J. L. Powers, Ames, Iowa; Mrs. J. J. Richardson, Davenport, Iowa; Mr. R. S. Sinclair, Cedar Rapids, Iowa; Mr. J. F. Traer, Vinton, Iowa; Mr. Ralph Van Vechten, Chicago, Illinois.

NOTES AND COMMENT

Maquoketa held a homecoming celebration during the week of August 30, 31, September 1, 2, and 3, 1926.

An Iowa picnic attended by some two thousand former residents of Iowa was held at Spokane, Washington, on July 31, 1926.

A peace pageant was given at Tipton on August 12 and 13, 1926, under the auspices of the South Bethel and Tipton Methodist Episcopal churches.

The fortieth annual reunion of the old settlers of Madison and Warren counties was held at St. Charles, on August 25, 1926. Speeches were made by James Parsons of Des Moines, John Arnold, and C. C. Dowell. Officers for the ensuing year are: President, J. Y. McGinnis; Secretary, H. A. Mueller; and Treasurer, J. F. Johnston.

On July 4, 1926, occurred the dedication of the State park on Lake Okamanpedan, known as the Okamanpedan State Park. The gift to the State was accepted by Dr. Louis H. Pammel, chairman of the State Board of Conservation.

On July 2, Spirit Lake dedicated the Fred Gilbert Park, named in honor of Fred Gilbert, who has acquired fame as a trapshooter. H. E. Narey gave the dedicatory address.

Dr. Louis H. Pammel, Professor of Botany at the Iowa State College, has resigned from the State Board of Conservation, the resignation to take effect in December. He has been president of the Board since its organization eight years ago.

A pageant entitled "Drama of American Independence was one of the features of the celebration at Bloomington on July 3, 1926. The text of the pageant was written by Della Sowers and H. Ostergaard. As its title suggests this pageant depicted scenes of the Revolution.

A pageant entitled "America Forever" was a feature of the Cass County Farm Bureau picnic at Atlantic on July 5, 1926. This was in honor of the sesquicentennial of independence and was under the direction of Miss M. E. Matthews of Chicago.

The twenty-ninth annual convention of the League of Iowa Municipalities was held at Carroll, Iowa, on August 17-19, 1926. Mayor Stewart Gilman of Sioux City was elected president for the ensuing year, Mayor B. C. Benham of Muscatine vice president, and Mr. Frank G. Pierce of Marshalltown secretary-treasurer.

ALBERT BAIRD CUMMINS

Albert Baird Cummins, United States Senator from Iowa since 1908, died at his home at Des Moines on July 31, 1926. Senator Cummins was born near Carmichaels, Pennsylvania, on February 15, 1850. He attended Waynesburg College, graduating in 1869, and came to Clayton County, Iowa, that year. Afterwards he went to Indiana where he was employed as an engineer in the construction of a railroad. In 1872 he was employed in similar work in Michigan, but soon gave up this employment to study law. He was admitted to the bar at Springfield, Illinois, on January 1, 1875, and three years later removed to Des Moines.

Mr. Cummins was temporary chairman of the Republican State Convention in March, 1892, and in 1894 was suggested as a candidate to succeed James F. Wilson, but was not nominated. He was elected Governor of Iowa in 1901, serving in this office until November 24, 1908, when he resigned to become United States Senator. In addition to his professional and political interests, Senator Cummins found time for other activities and was a life member of The State Historical Society of Iowa.

CONTRIBUTORS

KIRK HAROLD PORTER, Associate Professor of Political Science at the State University of Iowa. Born at Waukegan, Illinois, on April 7, 1891. Received the B. A. degree from the University of Michigan in 1914, the M. A. degree from the same institution in 1916, and the Ph. D. degree from the University of Chicago in 1918. Taught American government and American history at Earlham College, Indiana, in 1918 and political science at the State Teachers College at Emporia, Kansas, 1918-1919. Author of *History of Suffrage in the United States*, *County and Township Government in the United States*, *National Party Platforms*, and two monographs in the *Applied History Series*, published by The State Historical Society of Iowa.

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